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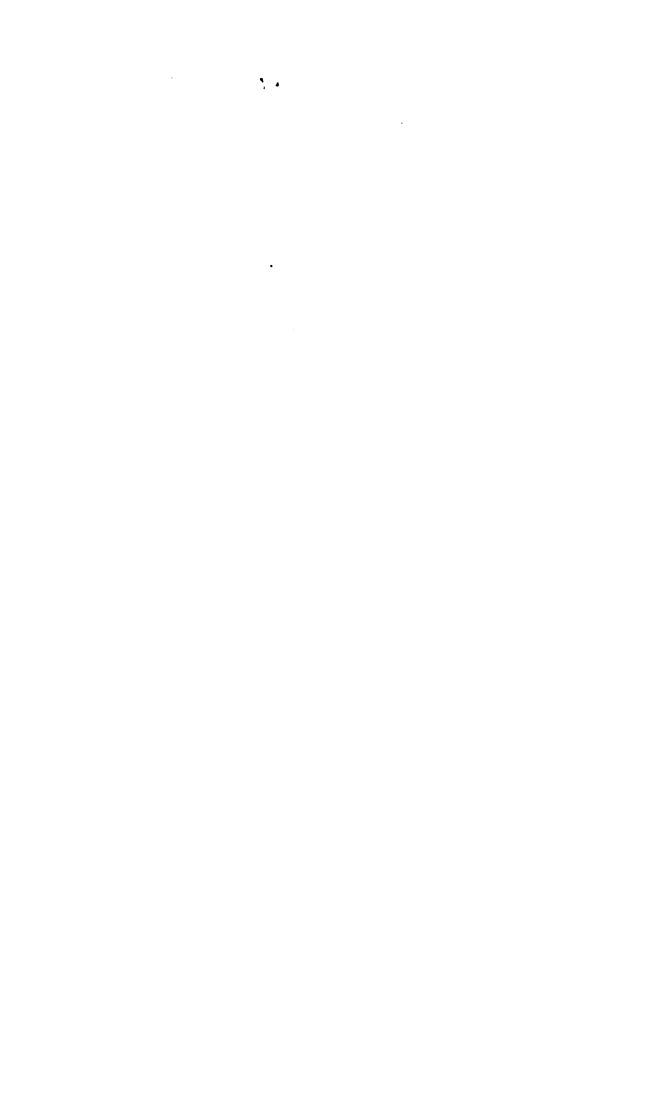
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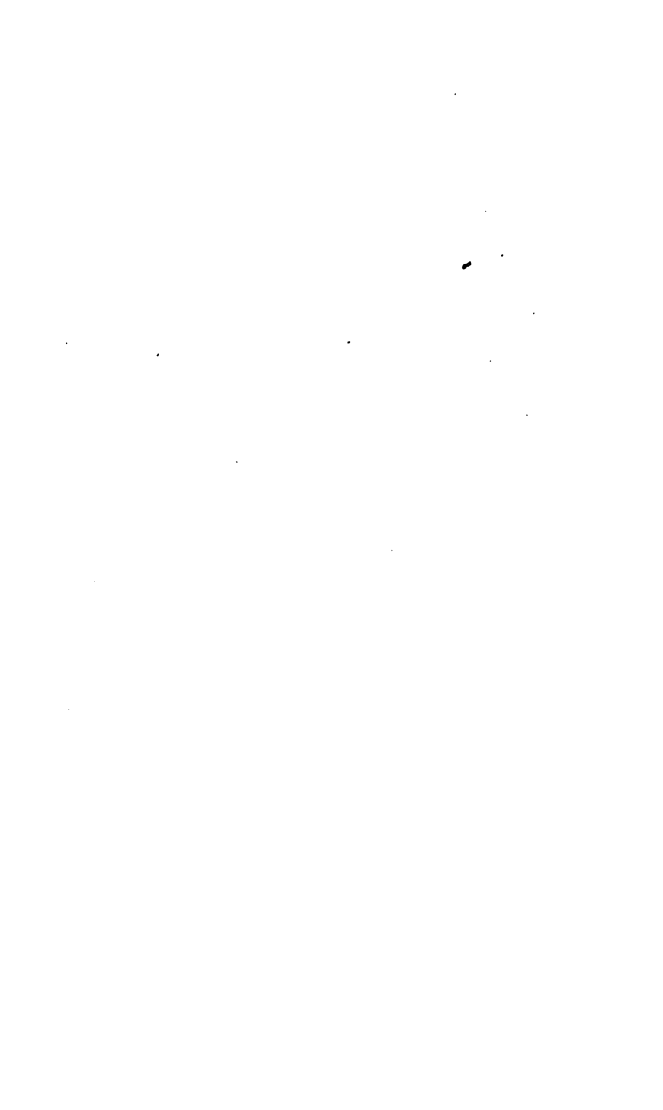
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MANUAL
OF
PARLIAMENTARY PRACTICE,
COMPOSED ORIGINALLY
FOR THE USE OF
THE SENATE OF THE UNITED STATES.

BY THOMAS JEFFERSON.

WITH REFERENCES TO THE PRACTICE AND RULES OF THE
HOUSE OF REPRESENTATIVES.

The whole brought down to the practice of the present
time; to which are added

THE RULES AND ORDERS OF BOTH HOUSES
OF CONGRESS.

PHILADELPHIA:
HOGAN & THOMPSON.
PITTSBURGH—D. M. HOGAN.

1834.

G. O. J. 4.

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by HOGAN AND TH
Eastern District of





MR. JEFFERSON'S PREFACE.

THE Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate have accordingly formed some rules for its own government: but those going only to few cases, they have referred to the decision of their President, without debate and without appeal, all questions of order arising either under their own rules, or, where they have provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel weightily and seriously this confidence in his

that he may not be governed by
caprice or passion, nor open to the im-
pulsions of them. But to what system of rules
recur, as supplementary to those of the
To this there can be but one answer
systems of regulations adopted for the
ment of some one of the Parliamen-
tary States, or of that which has
as a prototype to most of them. This is
the model which we have all studied ; while
little acquainted with the modifications of
several States. It is deposited, too, in
the hands of many, and open to
all eyes. The rules are probably as wisely con-
structed as any governing the debates of a consider-
able assembly.

the Constitution, the regulations of the Senate, and where these are silent, of the rules of Parliament, I have here endeavoured to collect and digest so much of these as is called for in ordinary practice, collating the Parliamentary with the Senatorial rules, both where they agree and where they vary. I have done this, well to have them at hand for my own government, as to deposit with the Senate the standard by which I judge and am willing to be judged. I could not doubt the necessity of stating the sources of my information; among which, Mr. Hatsel's most valuable book is pre-eminent; but as he has only treated some general heads, I have been obliged to recur to other authorities, in support of a number of common rules of practice to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests all taken together. Sometimes the authority is only to a part of the text, the residue being inferred from known rules and principles. For one of the most familiar forms, no written authority is, or can be quoted; no writer having proposed it necessary to repeat what all were

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sively correct and fill up, till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

NOTE.—The rules and practices peculiar to both the Senate and House of Representatives, are printed in smaller type.



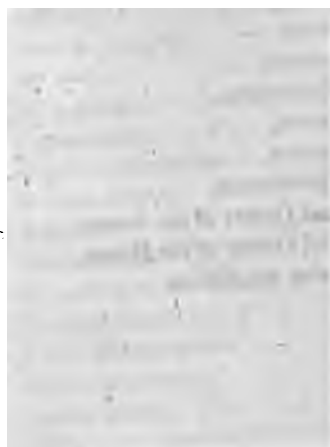
TABLE OF CONTENTS.

| <i>Sec.</i> | <i>Page.</i> |
|--|--------------|
| 1. Rules, importance of, - - - | 17 |
| 2. Legislature, - - - | 18 |
| 3. Privilege, - - - | 19 |
| 4. Elections, - - - | 23 |
| 5. Qualifications, - - - | 29 |
| 6. Quorum, - - - | 32 |
| 7. Call of the House, - - - | 32 |
| 8. Absence, - - - | 33 |
| 9. Speaker, - - - | 34 |
| 10. Address, - - - | 35 |
| 11. Committees, - - - | 36 |
| 12. Committee of the Whole, - | 38 |
| 13. Examination before committees, &c. | 41 |
| 14. Arrangement of business, - | 43 |
| 15. Order, - - - | 45 |
| 16. " respecting papers, - - | 46 |
| 17. " in debate, - - - | 47 |
| 18. Orders of the House, - - | 56 |
| 19. Petitions, - - - | 58 |

23. " Leave to bring
24. " 1st. reading,
25. " 2d. reading,
26. " Commitment,
27. " Report of con
28. " Re-commitme
29. " Report taken
30. " Quasi-commit
31. " 2d reading in
32. " Reading paper
33. " Privileged qu
34. " Previous ques
35. " Amendments,
36. " Division of qu
37. " Co-existing q
38. " Equivalent q
39. " The question

TABLE OF CONTENTS.**11**

| <i>Sec.</i> | <i>Page.</i> |
|------------------------------------|--------------|
| 45. Amendments between the Houses, | - 120 |
| 46. Conferences, | - 123 |
| 47. Messages, | - 126 |
| 48. Assent, | - 129 |
| 49. Journals, | - 131 |
| 50. Adjournment, | - 134 |
| 51. Session, | - 135 |
| 52. Treaties, | - 138 |
| 53. Impeachment, | - 141 |
| Rules and Orders of the Senate, | - 149 |
| Rules and Orders of the House, | - 162 |
| Joint Rules and Orders, | - 188 |



INDEX.

| | <i>Sec.</i> |
|--|-------------|
| Absence, | 8. 6 |
| Address, | 10 |
| Adhere, | 45. 38 |
| Adjournment, | 50. 33 |
| Agree, | 45. 38 |
| Amendments, | 35. 29. 40 |
| Amendments between the Houses, | 45. 38 |
| Arrangement of business, | 14 |
| Assent, President's, | 48 |
| Bills, leave to bring in, | 23 |
| " readings, | 22 |
| " 1st reading, | 24 |
| " 2d reading, | 25. 31 |
| " 3d reading, | 40 |
| " commitment, | 26. 30 |
| " re-commitment, | 28 |
| " title, | 42 |
| " sent to other House, | 44 |
| " assent to, | 48 |
| Blank, filling, | 33. 40 |
| Brief, | 40 |
| Business, arrangement of, | 14 |
| Call of the House, | 7 |
| Chairman, | 11, 12 |
| Co-existing questions, | 37 |
| Commissioners, | 51 |
| Commitment, | 26. 40 |
| Committee, | 11. 51. 30 |
| " revised, | 27 |

joint,
Conferences,
Congress,
Council,
Counting the House,
Debate, order in,
Disagree,
Discontinuance,
Dissolution,
Division of the House,
Division of a question,
Documents communicated,
Elections,
Enquiry instituted,
Equivalent questions,
Evidence, communication of,
Examination before committee
Houses, call of,
 " counted,
 " division of,
 " orders of,
 " bills sent to or from,
 " amendments between,
 " conference between,
 "

INDEX.

15

| | Sec. |
|------------------------------------|-------------------|
| lie on table, | 33 |
| essages, | 47. 12 |
| istakes corrected, | 6. 11. 44. 47. 49 |
| otions, | 20 |
| otion withdrawn, | 33 |
| order, | 15 |
| " respecting papers, | 16 |
| " in debate, | 17 |
| orders of the day, | 33 |
| " of the House, | 18. 21 |
| apers, order respecting, | 16 |
| " reading, | 33. 32 |
| assage of bill, | 40 |
| etitions, | 19 |
| ostponement, | 33 |
| resident, his assent, | 48 |
| " may adjourn, | 50 |
| " call Congress, | 51 |
| " make treaties, | 52 |
| " inform Congress, | 10 |
| resident of Senate, | 9 |
| resident pro tem. | 9 |
| revious question, | 34 |
| rivilege, | 8. 33. 11 |
| rivileged questions, | 33 |
| rorogation, | 51 |
| uasi-committee, | 30 |
| ualification, | 5 |
| Question, the, | 39 |
| " previous, | 34 |
| " privileged, | 33 |
| Question, division of, | 36 |
| " co-existing, | 38 |
| " equivalent, | 38 |
| " same, | 43 |
| Quorum, | 6. 12. 41 |

“ 2a,
“ 3d,
reading papers,
readings,
cede,
e-commitment,
e-consideration,
emonstrance,
eport of committee,
Report taken up,
Resolutions,
Revival of committee,
Rules, importance of,
Rider,
Sergeant,
Session,
Speaker,
Speaker, pro tem.
Table, lie on,
Title,
Treaties,
Vote,

MANUAL OF PARLIAMENTARY PRACTICE.

IMPORTANCE OF RULES.

SECTION I.

THE IMPORTANCE OF ADHERING TO RULES.

MR. ONSLOW, the ablest among the Speakers of the House of Commons, used to say "it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of Administration and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding: that these forms, as instituted by our ancestors, operated as a check, and control, on the actions of the majority; and that they were, in many instances, a shelter and protection to the minority, against the attempts of power."

So far the maxim is certainly true, and is founded in good sense, that as it is always in the

y improper measures, and their opponents, the only weapons by which a minority can defend themselves against attempts from those in power, are the rules of proceeding, which have been as they were found necessary from time and are become the law of the House ; to adherence to which, the weaker party be protected from those irregularities against which these forms were intended to check which the wantonness of power is but apt to suggest to large and successful numbers.—2 *Hats*. 171, 172.

And whether these forms be in all most rational or not, is really not of so much importance. It is much more material that there should be a rule to go by, than what that rule should be. It is much more material that there may be an uniformity of conduct in business, not subject to the caprice of the Speaker, or captiousness of the members, than that order, decency, and regularity, which are the basis of a well-regulated public body.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States.—*Const. U. S. Art. I. Sec. 6.*

For the powers of Congress, see the following Articles and Sections of the Constitution of the United States.—*Art. I. Sec. 4, 7, 8, 9,—Art. II. Sec. 1, 2.—Art. III. Sec. 3.—Art. IV. Sec. 1, 3, 5.—And all the Amendments.*

SECTION III.

PRIVILEGE.

The privileges of the members of Parliament, from small and obscure beginnings, have been advancing for centuries with a firm and never-yielding pace. Claims seem to have been brought forward from time to time, and repeated till some example of their admission enabled them to build law on that example. We can only, therefore, state the point of progression at which they now are. It is now acknowledged, 1st, That they are at all times exempted from question elsewhere, for any thing said in their own House: that during the time of privilege, 2d, Neither a member himself, his wife,* or his servants, [*familiars sui*] for any matter of their

* Order of the House of Commons, 1663, July 16.

986, 987.

This privilege from arrest, protection against all process, the disobedience punishable by an attachment or a subpoena ad respondendum, or a summons on a jury; and while a member has superior duties in other place.

When a Representative is withdrawn from a summons, the 47,700 people whom he represents lose their voice in debate and vote, as in voluntary absence: when a Senator is withdrawn from a summons, his State loses half its voice in debate and vote, as in voluntary absence. The parity of evil admits no comparison.

So far there will probably be no difference as to the privileges of the two Houses. In the following cases it is otherwise. The House of Representatives committed the names of Randall and Whitman for

treason, felony, and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House.”—Const. U. S. Art. I Sec. 6. Under the general authority “to make all laws necessary and proper for carrying into execution the powers given them.” Const. U. S. Art. II. Sec. 8, they may provide by law the details which may be necessary for giving full effect to the enjoyment of this privilege. No such law being as yet made, it seems to stand at present on the following ground:—1. The act of arrest is void, *ab initio*, 2 Stra. 989.—2. The member arrested may be discharged on motion. 1 Bl. 166. 2 Stra. 990; or by Habeas Corpus under the Federal or State authority, as the case may be; or by a writ of privilege out of the Chancery, 2 Stra. 989, in those States which have adopted that part of the laws of England—Orders of the House of Com. 1550, Feb. 20. 3. The arrest being unlawful, is a trespass for which the officer and others concerned are liable to action or indictment in the ordinary courts of justice, as in other cases of unauthorized arrest.—4. The court before which the process is returnable, is bound to act as in other cases of unauthorized proceeding, and liable also, as in other similar cases, to have their proceedings staid or corrected by the Superior Courts.

The time necessary for going to and returning from Congress not being defined, it will of course be judged of in every particular case by those who will have to decide the case.

While privilege was understood in England to extend, as it does here, only to exemption from arrest *eundo, morando, et redeundo*, the House of Commons themselves decided that “a convenient time was to be understood,”—1580—1 *Hats.* 99, 100. Nor is the law so strict

Constitution
to make all laws necessary and
ing into execution the powers vested by
in them," they may provide by law for
exercise of their functions, *e. g.* for the
contempts, of affrays or tumults in their
but, till the law be made, it does not exist
exist, from their own neglect; that in
however, they are not unprotected, the o
trates and courts of law being open and
punish all unjustifiable disturbances or de
even their own sergeant, who may appoi
libitum to aid him, 3 *Grey*, 59, 147, 255, i
smallest disturbances; that, in requiring a
the Constitution had regard to the inviol
citizen as well as of the member; as, shou
in the regular form of a bill, aim at too
leges, it may be checked by the other, and
President; and also as, the law being pro
citizen will know how to avoid offence. But
may assume its own privileges without con
to it on the spur of the occasion, conceal
own breast, and after the fact come
once both the

acknowledgments being made, no further proceeding was had. The Editor of the Aurora having, in his paper of Feb. 19, 1800, inserted some paragraphs defamatory to the Senate, and failed in his appearance, he was ordered to be committed. In debating the legality of this order, it was insisted in support of it, that every man, by the law of nature, and every body of men, possesses the right of self-defence; that all public functionaries are essentially invested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we see the British Parliament exercise the right of punishing contempts; all the State Legislatures exercise the same power; and every Court does the same; that if we have it not, we sit at the mercy of every intruder who may enter our doors or gallery, and by noise and tumult render proceeding in business impracticable; that if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must therefore have a power to punish these disturbers of our peace and proceedings. To this it was answered, that the Parliament and Courts of England have cognizance of contempts by the express provisions of their law; that the State Legislatures have equal authority, because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their Constitutions have expressly denied them; that the Courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws, adopted in each State by a law of Congress; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, nor

... OF HIS PLACE
Com. p.

If an offence be committed by the House, of which the House has notice, it is an infringement of their privilege for any person or court to take notice of it. If the House has punished the offender, it is no more his to him to a due course.—*Lex. Parl.*

Privilege is in the power of the House. It is a restraint to the proceeding of it, but not of the House itself.—2 *Nelson Grey*, 399. For whatever is said in the House, is subject to the censure of the House, and offences of this kind have been punished, by calling the person to make submission, committing him to the custody of the House, &c.—*Scott's Parl. c. 22*.

It is a breach of order, for the Speaker to refuse to put a question which is asked.—*Hats. 175, 176*—5 *Grey*, 133.

similar case arises, the judgment which is to make, and at the same time apply, the law, is open to question and consideration, as are all new laws. Perhaps Congress, in the mean time, in their care for the safety of the citizens, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case.

Privilege from arrest takes place by force of the election; and before a return be made, a member elected may be named of a committee, and is to every intent a member, except that he cannot vote until he is sworn.—*Memor.* 107, 108—*Dewes*, 642. *col.* 2. 643. *col.* 1.—*Pet. miscel. Parl.* 119—*Lex. Parl. c.* 23—2 *Hats.* 22. 62.

Every man must, at his peril, take notice who are members of either House returned of record.—*Lex. Parl.* 23, 4—*Inst.* 24.

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the sergeant.—1 *Grey*, 88. 95.

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House. 3 *Grey*, 140. 222.

For any speech or debate in either House, they shall not be questioned in any other place.—*Const. U. S. Art.* 1. *Sec.* 6. *S. P. protest of commons to James I.* 1621. 2 *Rapin.* No. 54.

bounds and limits of
Com. p.

If an offence be committed by a member of the House, of which the it is an infringement on a person or court to take action. If the House has punished the person, it is his duty to submit to a due course.—*L.*

Privilege is in the power of the House, and is a restraint to the proceedings of the House itself, but not of the House itself. *Grey*, 399. For whatever offence a member of the House, is subject to the censure and offences of this kind are punished, by calling the member to make submission, committing him to the custody of the House, &c. *Parl. c. 22.*

It is a breach of order, for a member to refuse to put a question which is put to him. *Hats. 175. 176*

manner of the trial may concern their privilege. Otherwise it would be in the power of other branches of the government, and even of every private man, under pretences of treason, &c. to take any man from his service in the House; and so as many, one after another, as would make the House what he pleaseth—*Decision of the Commons on the King's declaring Sir John Hotham a traitor*—4 *Rushw.* 586. So when a member stood indicted of felony, it was adjudged that he ought to remain of the House till conviction. For it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime.—23 *El.* 1580—*D'Ewes*, 283. col. 1—*Lex. Parl.* 133.

When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as they think proper.—2 *Hats.* 259. Of which, see many examples.—2 *Hats.* 256, 257, 258. But the communication is subsequent to the arrest.—1 *Blackst.* 167.

It is highly expedient, says Hatsell, for the due preservation of the privileges of the separate branches of the Legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate, which is

...requisit
merous branch of the State

No person shall be a l
have attained to the age of
seven years a citizen of the
not, when elected, be an
which he shall be chosen.

Representatives and direc
among the several States wh
this Union, according to
which shall be determined by
ber of free persons, including
a term of years, and excluding
fifths of all other persons. Th
be made within three years aft
Congress of the United States
quent term of ten years, in su
by law direct. The number
not exceed one for every thirty
shall have at least one Repr
Art. I. Sec. 2.

The provisional apportionm
made in the Constitution in
Congress, were as follows :

| | 1787 | 1790 | 1800 | 1810 | 1820 | 1830* |
|-----------------|------|------|------|------|------|-------|
| Maine, | - | | | | 7 | 8 |
| New Hampshire, | 3 | 4 | 5 | 6 | 6 | 5 |
| Massachusetts, | 8 | 14 | 17 | 20 | 13 | 12 |
| Rhode Island, | 1 | 2 | 2 | 2 | 2 | 2 |
| Connecticut, | 5 | 7 | 7 | 7 | 6 | 6 |
| Vermont, | 2 | 2 | 4 | 6 | 5 | 5 |
| New York, | 6 | 10 | 7 | 27 | 34 | 40 |
| New Jersey, | 4 | 5 | 6 | 6 | 6 | 6 |
| Pennsylvania, | 8 | 13 | 18 | 23 | 26 | 28 |
| Delaware, | 1 | 1 | 1 | 2 | 1 | 1 |
| Maryland, | 6 | 8 | 9 | 9 | 9 | 8 |
| Virginia, | 10 | 19 | 22 | 23 | 22 | 21 |
| North Carolina, | 5 | 10 | 2 | 13 | 13 | 13 |
| South Carolina, | 5 | 6 | 8 | 9 | 9 | 9 |
| Georgia, | 3 | 2 | 4 | 6 | 7 | 9 |
| Kentucky, | 2 | 2 | 6 | 0 | 2 | 13 |
| Tennessee, | 0 | 1 | 3 | 6 | 9 | 13 |
| Ohio, | 0 | 0 | 1 | 6 | 14 | 19 |
| Louisiana, | 0 | 0 | 0 | 1 | 3 | 3 |
| Indiana, | 0 | 0 | 0 | | 3 | 7 |
| Mississippi, | 0 | 0 | 0 | | | 2 |
| Illinois, | 0 | 0 | 0 | 1 | 1 | 3 |
| Alabama, | 0 | 0 | 0 | 1 | 3 | 5 |
| Missouri, | 0 | 0 | 0 | 0 | 1 | 2 |
| | 69 | 106 | 142 | 186 | 213 | 222 |

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.—*Const. U. S. Art. I. Sec. 2.*

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person,

* The Act of 22d May, 1832, fixes the ratio at one for forty-seven thousand seven hundred.

SECTION

QUORUM

A majority of each House is required to do business; but a smaller number may be authorized day to day, and may be authorized to take the place of absent members, in such cases as each House may determine. *S. Art. I. Sec. 5.*

In general, the chair is not taken until a quorum for business is present. If, while waiting, such a quorum be present, the chair may be taken, and business may be commenced. And whenever, during a session, it is ascertained that a quorum is not present, the President may call for the house to be called to order. If found deficient, business is suspended. *125, 126.*

The President having taken the chair, if a quorum being present, the journal of the proceedings is read, to the end, that any mistake may be corrected that shall have been committed.

then only noted, but no excuse to be made till the House be fully called over. Then the absentees are called a second time, and if still absent, excuses are to be heard.—*Ord. H. of C.* 92.

They rise, that their persons may be recognized; the voice, in such a crowd, being an insufficient verification of their presence. But in so small a body as the Senate of the United States, the trouble of rising cannot be necessary.

Orders for calls on different days may subsist at the same time.—2 *Hats.* 72.

SECTION VIII.

ABSENCE.

No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first

SECTION I

SPEAKER.

The Vice President of the United States shall be elected by the electors in each State, and shall hold office for four years, and shall be eligible for re-election only once. Congress shall have the power to fill casual vacancies in the office, and to establish regulations for the election of the Vice President. The Vice President shall be equally divided.—*Const. U. S.*

The Senate shall choose their President pro tempore in the absence of the President, or when he shall exercise the powers of the President of the United States.—*Const. U. S. A.*

The House of Representatives shall elect its speaker and other officers.—*Const. U. 1*

When but one person is objection made, it has not be ment to put any question t without a question, the memb conduct him to the chair. E jection, or another proposed

In the Senate, a President pro tempore, in the absence of the Vice President, is proposed and chosen by ballot. His office is understood to be determined on the Vice President's appearing and taking the chair, or at the meeting of the Senate after the first recess.—*Vide Rule 23.*

Where the Speaker has been ill, other Speakers pro tempore have been appointed. Instances of this are, 1 *H.* 4, Sir John Cheney, and for Sir Wm. Sturton, and in 15 *H.* 6, Sir John Tyrrell, in 1656, Jan. 27—1658, Mar. 9—1659, Jan. 13.

Sir Job Charlton ill, Seymour chosen, 1673, Feb. 18.

Seymour being ill, Sir Robt. Sawyer chosen, 1678, Apr. 15.

Sawyer being ill, Seymour chosen.

} not merely
pro tempore.
1 *Chand.* 169,
276, 277.

Thorpe in execution, a new Speaker chosen—31 *H.* VI—3 *Grey*, 11; and March 14, 1694, Sir John Trevor chosen. There have been no later instances—2 *Hats.* 161.—4 *Inst.*—8 *Lex. Parl.* 263.

A Speaker may be removed at the will of the House, and a Speaker pro tempore appointed.—2 *Grey*, 186—5 *Grey*, 134,—*Vide Rule Sen.* 23.

SECTION X.

ADDRESS.

The President shall, from time to time, give to the Congress information of the state of the Union, and re-

It may be attended by both
or by a committee from each
two Speakers only. An address
of Commons only, may be
whole House, or by the Speaker
1 *Chandler*, 298. 301, or
members as are of the Privy
276.

SECTION XI

COMMITTEES.

Standing committees, as
elections, &c. are usually appointed
meeting, to continue through the
person first named is generally
as chairman.

At these committees the members are to speak standing, and not sitting; though there is reason to conjecture it was formerly otherwise. *D'Ewes*, 630. *col.* 1—4 *Parl. Hist.* 440—2 *Hats.* 77.

Their proceedings are not to be published, as they are of no force till confirmed by the House. *Rushw. part* 3, *vol.* 2, 74—3 *Grey*, 401—*Scob.* 39. Nor can they receive a petition but through the House.—9 *Grey*, 412.

When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him.—9 *Grey*, 523.

So soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House.—2 *Nals.* 319. *Vide Rules H. R.* 78.

It appears, that on joint committee of the Lords and Commons, each committee acted integrally, in the following instances—7 *Grey*, 261, 278, 285, 338—1 *Chandler*, 357. 462. In the following instances it does not appear whether they did or not—6 *Grey*, 129—7 *Grey*, 213. 229. 321.

COMMITTEE OF

The speech, messages, great concernment, are in committee of the whole where general principles form of resolutions, which amended till they get into the approbation of a majority and confirmed by referred to one or more according as the subject divides more bills—*Scob.* 36, 44. charge on the people are made in a committee of 127. *Vide Rules H. R.* the whole is better taken in in all committees every one he pleases—*Scob.* 49. *Vi* They generally acquiesce named by the S-

consideration such a matter, naming it. If determined in the affirmative, he leaves the chair, and takes a seat elsewhere, as any other member; and the person appointed chairman seats himself at the clerk's table.—*Scob. 36. Vide Rules H. R. 96.* Their quorum is the same as that of the House; and if a defect happens, the chairman, on a motion and question, rises, the Speaker resumes the chair, and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair, and receives it, because the committee cannot.—2 *Hats. 125, 126.*

In a committee of the whole, the tellers, on a division, differing as to numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table; whereupon, the members retiring to their places, the Speaker told the House “he had taken the chair without an order, to bring the House into order.” Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further, in consequence of what had happened in the grand committee, which was done.—3 *Grey, 139.*

A committee of the whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was ad-

no previous question can
mittee; nor can this con
others may; but if their bu
they rise on a question, the
and the chairman reports th
the whole have, according t
their consideration such a m
progress therein: but not
through the same, have di
leave to sit again. Where
put on their having leave, an
the House will again resolv
mittee.—*Scob.* 38. But if
through the matter referred
moves that the committee
chairman report their proceed
which being resolved, the c
Speaker resumes the chair,
forms him that the committee
the business referred to the
ready to make report when

to that effect, and a question put, that it lived to-morrow, &c.—*Scob.* 38.

ther things the rules of proceedings are to same as in the House.—*Scob.* 39.

SECTION XIII.

EXAMINATION OF WITNESSES.

mon fame is a good ground for the to proceed by inquiry, and even to accu—*Resolution of House of Commons*, 1, 1625—*Rush Lex. Parl.* 115—1 *Grey*, 92—8 *Grey*, 21, 23. 27. 45.

nesses are not to be produced but where use has previously instituted an inquiry, . 102, nor then are orders for their attendance given blank.—3 *Grey*, 51.

When any person is examined before a committee or at the bar of the House, any member going to ask the person a question, must address it to the Speaker or chairman, who repeats the question to the person, or says to him, "hear the question, answer it." But if impropriety of the question be objected to, the Speaker directs the witness, counsel, and parties, to draw ; for no question can be moved, or put, or stated, while they are there,—2 *Hats.* 108.

But the testimony
House, is never writ
mittee it must be,
House, who are not
52. 334.

If either House h
sence of a person in
ask the other their lea
up to them in custody

A member, in his p
the House of what he
der hearing at the bar
22, 1744—5.

Either House may r
the attendance of a men
are to make the request
House, and to express c
tendance, that no impro
tion may be tendered to
gives leave to the membe
it; waiting

Counsel are to be heard only on private, not on public bills ; and on such points of law only as the House shall direct.—19 *Grey*, 61.

SECTION XIV.

ARRANGEMENT OF BUSINESS.

The Speaker is not precisely bound to any rules as to what bills or other matter shall be first taken up, but is left to his own discretion, unless the House on a question decide to take up a particular subject.—*Hakew.* 136.

A settled order of business is, however, necessary for the government of the presiding person, and to restrain individual members from calling up favourite measures, or matters under their special patronage, out of their just turn. It is useful also for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others having a priority of right to their attention in the general order of business.

In Senate, the bills and other papers which are in possession of the House, and in a state to be acted upon, are arranged every morning, and brought on in the following order :

1. Bills ready for a second reading are read, that they may be referred to committees, and so be put under way.

2. After twelve
their passage.

3. Reports in possession of the grounds for a bill, are to be taken be ordered in.

4. Bills or other matters before finished on the preceding day, whether on special order, are entitled to be ordered on through their present stage.

5. These matters being despatch expediting business, the general business papers are then taken up, and each is taken on according to its seniority, reckoned from its first introduction to the House. Reference is made to the dates of their bills.

[The arrangement of the business as follows :

1. Motions previously submitted

2. Reports of Committees previously

3. Bills from the House of Representatives introduced on leave, which have not been read the second time; and, if not reported by the committee, are considered in Committee, and are proceeded with as in other cases

4 After twelve o'clock, engaged

orders are called, at the head of which stands the unfinished business of the preceding day.]—*Vid. Rules H. R. 16, 17.*

In this way we do not waste our time in debating what shall be taken up: we do one thing at a time, follow up a subject while it is fresh, and till it is done with; clear the House of business gradatim as it is brought on, and prevent, to a certain degree, its immense accumulation towards the close of the session.

Arrangement, however, can only take hold of matters in possession of the House. New matter may be moved at any time, when no question is before the House. Such are, original motions, and reports on bills. Such are, bills from the other House, which are received at all times, and receive their first reading as soon as the question then before the House is disposed of; and bills brought in on leave, which are read first whenever presented. So, messages from the other House respecting amendments to bills, are taken up as soon as the House is clear of a question, unless they require to be printed, for better consideration. Orders of the day may be called for, even when another question is before the House.

SECTION XV.

ORDER.

Each House may determine the rules of its proceedings; punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.—*Const. I. 5.*

In Parliament, “instances make order,” per

SECTION XVI.

ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, or papers, be taken from the out of his custody.—2 *Hats.* 193, 194

Mr. Prynne having, at a committee whole, amended a mistake in a bill, without the order or knowledge of the committee, was censured.—1 *Chand.* 77.

A bill being missing, the House resolved that a protestation should be made and subscribed by all the members, “before Almighty God the honourable House, that neither myself

SECTION XVII.

ORDER IN DEBATE.

When the Speaker is seated in his chair, every member is to sit in his place.—*Scob.* 6—3 *Grey*, 403.

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks.—*Scob.* 6—*D'Ewes*, 487, col. 1—2 *Hats.* 77—4 *Grey*, 66—8 *Grey*, 108. But members who are indisposed may be indulged to speak sitting.—3 *Hats.* 75. 77—1 *Grey*, 195.

In Senate, every member, when he speaks, shall address the chair, standing in his place; and when he has finished, shall sit down.—*Rule* 3.

When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.—*Rule H. R.* 20.

When a member stands up to speak, no question is to be put; but he is to be heard, unless the House overrule him.—4 *Grey*, 390—5 *Grey*, 6. 143.

If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name; whereupon he proceeds,

ber was first up?"—2 *Hats.* 76—
D'Ewes, 434, col. 1, 2.

In the Senate of the United States, the Precision is without appeal. Their rule is in this. When two members rise at the same time, they shall name the person to speak; but in all cases the member who shall first rise and address the Senate shall speak first.—*Rule 5.*

No man may speak more than once on the same bill, on the same day; or even on the same day, if the debate be adjourned. But no member may read more than once, in the same day, the same paper or speak once at every reading.—*Co. Hist.* Hakew. 148—*Scob.* 58—2 *Hats.* 75. A change of opinion does not give a member a second time.—*Smyth Comw.*—*Arcan. Parl.* 17.

The corresponding rule of Senate is in this. No member shall speak more than twice in the same debate on the same day, without leave of the Senate.—*Rule 4.*

No member shall speak more than twice in

self to that only, and not travelling into the merits of it, *Memorials in Hakew.* 29 ; or to the orders of the House, if they be transgressed, keeping within that line, and not falling into the matter itself.—*Mem. Hakew.* 30, 31.

But if the Speaker rises to speak, the member standing up ought to sit down, that he may be first heard.—*Town. col.* 205—*Hale Parl.* 133 —*Mem. in Hakew.* 30, 31. Nevertheless, though the Speaker may of right speak to matters of order and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge ; then he may, with their leave, state the matter of fact.—3 *Grey*, 38.

No one is to speak impertinently or beside the question, superfluously or tediously.—*Scob.* 31. 33—2 *Hats.* 166. 168—*Hale. Parl.* 133.

No person is to use indecent language against the proceedings of the House, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it.—2 *Hats.* 169, 170—*Rushw. p. 3. v. 1. fol.* 42. But while a proposition is under consideration, is still in fieri, though it has even been reported by a committee, reflections on it are no reflections on the House.—9 *Grey*, 308.

No person, in speaking, is to mention a member then present by his name ; but to describe him by his seat in the House, or who spoke

the person.—*Sc*
Hats. 166, by s
unmannerly word
Smyth's Comw. 1
of a measure may
but to arraign the
or advocate it, is a
der.—*Qui digredit*
Mr. Speaker ough
1604, *Apr.* 19.

When a member sha
down until the President
he is in order or not.—*H*

No member shall spe
interrupt the business of t
paper, while the journal
or when any member is s

Whilst the Speaker
dressing the House, non
House; nor, in such ca
ing, shall entertain pri
member is speaking at
chair—

books or papers from the table, or write there.
2 *Hats*. 171.

Nevertheless, if a member finds it is not the inclination of the House to hear him, and that, by conversation or any other noise, they endeavour to drown his voice, it is the most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattentive to a member who says any thing worth their hearing.—2 *Hats*. 77, 78.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity; whereupon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offence committed, and the House considers the degree of punishment they will inflict.—2 *Hats*. 169, 7, 8. 172.

For instances of assaults and affrays in the House of Commons, and the proceedings thereon, see 1 *Pet. Misc.* 82—3 *Grey*, 128—4 *Grey*, 328—5 *Grey*, 38—26 *Grey*, 204—10 *Grey*, 8. Whenever warm words or an assault have passed between members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel, 3 *Grey*, 128. 293—5 *Grey*, 289; or orders them to attend the Speaker, who is to accommodate their differences, and to report to

member has finished
—6 Grey, 60. Th
them, and desiring t
the clerk at the table
Speaker then may di
down in his minutes
not disorderly, he del
call becomes pretty ge
to take them down, as
member. They are th
and when read to the of
deny they were his wor
then decide by a questio
words or not. Then th
them, or explain the se
them, or apologize. If the
further proceeding is ne
members still insist to ta
House, the member must
question is stated, and the
House is to be
170

down any time the same day.—2 *Hats*. 196—*Mem. in Hakew.* 71—3 *Grey*, 48—9 *Grey*, 514.

Disorderly words spoken in a committee, must be written down as in the House; but the committee can only report them to the House for animadversion.—6 *Grey*, 46.

The rule of the Senate says, If a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge.—*Rule* 17.

In Parliament, to speak irreverently or seditiously against the King, is against order. *Smyth's Comw. L. 2. c. 3*—2 *Hats*. 170.

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.—8 *Grey*, 22.

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. There-

other House, and
mutual accusations
which can hardly be
cult and disorder.—

No member may
any business concern
nor is any member to
till he withdraws.—2
that if a charge against
report of a committee
nesses in the House, as
that to what points he
tion, he may be heard
any question is moved
He is then to be heard,
question is moved. But
the charge, as for business
arising in debate, there
ted, that is, the question
heard, and then to w
122.

man to be a judge in his own cause, it is for the honour of the House that this rule of immemorial observance should be strictly adhered to.—2 *Hats*. 119. 121.—6 *Grey*, 368.

No member is to come into the House with his head covered, nor to remove from one place to another with his hat on, nor is to put on his hat in coming in, or removing, until he be sit down in his place.—*Scob*. 6.

A question of order may be adjourned to give time to look into precedents.—2 *Hats*. 118.

In the Senate of the United States, every question of order is to be decided by the President, without debate: but if there be a doubt in his mind, he may call for the sense of the Senate.—*Rule* 6.

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favour of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and, if the case require it, he shall be liable to the censure of the House.—*Rules H. R.* 21.

In Parliament, all decisions of the Speaker may be controlled by the House.—3 *Grey*, 319.

be shut, but to be kept by porters at-arms, assigned for that purpose.
Parl. 23.

By the rule of the Senate, on the demand of any member, the doors of the Senate shall be closed to admit of any business which may, in the opinion of the Senate, require secrecy, the President shall be cleared, and during the discussion the door shall remain shut.—*Rule 18.*

No motion shall be deemed in order, nor shall any person or persons whatever within the chamber, to present any petition, or to hear any such read.—*Rule 19.*

The only case where a member may insist on any thing, is where the execution of a subsisting order. Here, there having been already a motion, any member has a right to insist, or any other whose duty it may be to bring it into execution; and no debate shall be had on it. Thus any member of the House or Senate, cleared

a question is to be put when it is called for, Whether the House will now proceed to that matter? Where orders of the day are on important or interesting matter, they ought not to be proceeded on till an hour at which the House is usually full—(*which in Senate is at noon.*)

Orders of the day may be discharged at any time, and a new one made for a different day.—*3 Grey*, 48. 313.

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes come to a resolution, that no new bill be brought in, except it be sent from the other House.—*3 Grey*, 156.

All orders of the House determine with the session; and one taken under such an order, may, after the session is ended, be discharged on a Habeas Corpus.—*Raym.* 120—*Jacob's L. D. by Ruffhead*—*Parliament*, 1 *Lev.* 165, *Pritchard's case*.

Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases, legislative, executive, or judiciary, submitted to them by the Constitution, or in something relating to these, and necessary towards their execution. But orders and resolutions are sometimes entered in the journals, having no relation to these, such as acceptances of invitations to attend orations, to take part in processions, &c. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are therefore perhaps improperly placed among the records of the House.

A petition prayer
has no prayer.—

Petitions must
ers, *Scob* 87—*L*
unless they are at
ble to sign, and av
418. But a petition
the member present
the hand-writing of
written in the begin
(March 14, 1800,) re
avermment of a mem
doors, that they kno
petitioners, is necess
6 *Grey*, 36. It must
not by the petitioner
him, holding it in his

Before any petition or
nate, shall be received at
same shall be introduced
a brief statement

but shall lie on the table, to be taken up in the order they were read.—*Rules H. R. 45.*

Regularly a motion for receiving it must be made and seconded, and a question put, Whether it shall be received? But a cry from the House of "Received," or even its silence, dispenses with the formality of this question: it is then to be read at the table, and disposed of.

SECTION XX.

MOTIONS.

When a motion has been made, it is not to be put to the question, or debated, until it is seconded.—*Scob. 21.*

The Senate say, No motion shall be debated until the same shall be seconded.—*Rule 9.*

It is then, and not till then, in possession of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker, as often as any member desires it for his information.—*2 Hats. 82.*

The Rule of the Senate is, When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table, and read by the President, before the same shall be debated.—*Rule 10.*

Every motion shall be received.
Speaker or any member desire it.—R

It might be asked, whether a
journment, or for the orders of
made by one member while ar
ing? It cannot. When two m
speak, he who rose first is to be
a breach of order in another to
unless by calling him to order if
it. And the question of order be
is still to be heard through. A
ment, or for the order of the
question, by gentlemen from th
a motion. No motion can be
rising and addressing the chair.
themselves breaches of order, w
member who has risen may re
pression of impatience of the
further debate, yet, if he choose
to go on.

SECTION XXI.

RESOLUTIONS.

When the House commands, it is by an “order.” But fact, principles, their own opinions, and purposes, are expressed in the form of resolutions.

A resolution for an allowance of money to the clerks, being moved, it was objected to as not in order, and so ruled by the chair. But on an appeal to the Senate, (i. e. a call for their sense by the President, on account of doubt in his mind, according to Rule 16,) the decision was over-ruled.—*Journ. Sen. June 1, 1796.* I presume the doubt was, whether an allowance of money could be made otherwise than by bill.



SECTION XXII.

BILLS.

Every bill shall receive three readings, previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise.—*Rule 26.*

Every bill shall be introduced by motion for leave, or by an order of the House, on the report of the committee; and, in either case, a committee to prepare the same

SECTION XXI.

BILLS, LEAVE TO BRING IN.

One day's notice, at least, shall be given by motion for leave to bring in a bill.

When a member desires to bring in a bill on any subject, he states to the House the terms, the causes for doing it, and the grounds for moving for leave to bring in a bill. Leave being given, on the question, a committee is appointed to prepare and report on the bill. The mover and seconder are always members on this committee, and one or more members are chosen by the House.
—*Hakew.* 132—*Scob.* 40.

It is to be presented for consideration.

SECTION XXIV.

BILLS, FIRST READING.

When a bill is first presented, the clerk reads it at the table, and hands it to the Speaker, who, rising, states to the House the title of the bill; that this is the first time of reading it; and the question will be, Whether it shall be read a second time? Then sitting down, to give an opening for objections; if none be made, he rises again, and puts the question, Whether it shall be read a second time?—*Hakew.* 137. 141. A bill cannot be amended at the first reading.—6 *Grey*, 286; nor is it usual for it to be opposed then, but it may be done and rejected.—*D'Ewes*, 335, col. 1—3 *Hats.* 198. (*Vide Rules H. R.* 88.)

SECTION XXV.

BILLS, SECOND READING.

The second reading must regularly be on another day.—*Hakew.* 143. It is done by the clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill, that this is the second

House, as it
ne states that the ques
shall be read a third tir
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speak to it.—*Hakew. 1*

In the Senate of the Union
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reading it, that it is now to
mittee of the whole, and the q
shall be read a third time? or,
a special committee.—*Vide A*

SECTION X

BILLS, COMMITTEE

If, on motion and question
the bill shall be committed, it
to be referred to a commit
house, or to

Those who take exceptions to some particulars in the bill, are to be of the committee. But none who speak directly against the body of the bill. For he that would totally destroy, would not amend it.—*Hakew.* 146—*Town. col.* 208—*D'Ewes*, 634. *col.* 2—*Scob.* 47; or as is said, 5 *Grey*, 145, the child is not to be put to a nurse that cares not for it.—6 *Grey*, 373. It is therefore a constant rule, “that no man is to be employed in any matter who has declared himself against it.” And when any member who is against the bill, hears himself named of its committee, he ought to ask to be excused. Thus, March 6, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself.—*Scob.* 48.

No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.—*Rule* 27.

The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, “Shall this bill be rejected?” If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.—*Rules H. R.* 89.

In the appointment of the standing committees, the Senate will proceed, by ballot, severally to appoint the chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a com-

is usual to deliver it to

In some cases, the committee to withdraw in committee-chamber, and a bill, sitting the House. *H. R. 78.*)

A committee meets please, if the House place for them.—6 C only act when together sultation and consent, of the committee but a committee actually as

A majority of the c rum for business.—*El bills*, 11.

Any member of the any select committee give place to all of th below them.—*Elsyn*

The committee ha

every case, the whole paper is read first by the clerk, and then by the chairman, by paragraphs, *Scob.* 49, pausing at the end of each paragraph, and putting questions, for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended, or unamended, and no final question on the whole.—3 *Hats.* 276. But if they relate to the same subject, a question is put on the whole. If it be a bill, draught of an address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed ; but no question on agreeing to the paragraphs separately. This is reserved to the close, when a question is put on the whole for agreeing to it as amended or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole ; because all parts of the paper having been adopted by the House, stand, of course, unless altered, or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order in considering and amending any paper is, to begin at the beginning, and proceed through it by paragraphs ; and this order is so strictly adhered to in Parliament, that, when a latter part has been amended, you can-

in the main we consider and am-
graphs in their natural order,- y
are indulged; and they seem, on
that small body, to produce ad-
weighing their inconveniences.

So this natural order of begin-
gining, there is a single excep-
Parliamentary usage. When a b
in committee, or on its second
postpone the preamble, till the oth
bill are gone through. The rea-
consideration of the body of the bi-
tions may therein be made, as may
the alteration of the preamble.-
Grey, 431.

On this head, the following ca-
the Senate, March 6, 1800.
which had no preamble, having
amended by the House, so that
only of the original remained it
was made to prefix a preamble.

body of the resolution, we have amended that as far as amendments have been offered, and indeed till little of the original is left. It is the proper time, therefore, to consider a preamble ; and whether the one offered be consistent with the resolution, is for the House to determine. The mover, indeed, has intimated that he shall offer a subsequent proposition for the body of the resolution ; but the House is not in possession of it ; it remains in his breast, and may be withheld. The rules of the House can only operate on what is before them. The practice of the Senate, too, allows recurrences backwards and forwards for the purpose of amendment, not permitting amendments in a subsequent, to preclude those in a prior part, or *e converso*.

When the committee is through the whole, a member moves that the committee may rise, and the chairman report the paper to the House, with or without amendments, as the case may be.—2 *Hats.* 289. 292—*Scob.* 53—2 *Hats.* 290—8 *Scob.* 50.

When a vote is once passed in a committee, it cannot be altered but by the House, their votes being binding on themselves.—1607, *June* 4.

The committee may not erase, interline, or blot the bill itself ; but must, in a paper by itself, set down the amendments, stating the words that are to be inserted or omitted, *Scob.* 50 ; and where, by reference to the page, line, and word of the bill.—*Scob.* 50.

The chairman of the committee, in his place, informs the House, that the committee, to whom was referred such a bill, according to order, had the same read, and have directed him to read the same without any amendment, or amendments, (as the case may be,) and is ready to do when the House please. And he, or any other, may move for its now received. But the cry of the House, generally dispenses with the formality of a motion and question, and the clerk reads the amendments, with the bill, and opens the alterations proposed by the committee for such amendments as the House shall think proper. Until he has gone through the whole bill, he delivers it at the clerk's table, where the amendments reported are read by the clerk, and the coherence; whereupon the bill is taken to the table, till the House, at its

SECTION XXVIII.

BILL, RE-COMMITMENT.

After a bill has been committed and reported, it ought not, in an ordinary course, to be re-committed. But in cases of importance, and for special reasons, it is sometimes re-committed, and usually to the same committee.—*Hakew.*

151. If a report be committed before agreed to in the House, what has passed in the committee is of no validity; the whole question is again before the committee, and a new resolution must be again moved, as if nothing had passed.—3 *Hats.* 131, *note.*

In Senate, January, 1800, the salvage bill was recommitted three times after the commitment.

A particular clause of a bill may be committed without the whole bill.—3 *Hats.* 131; or so much of a paper to one, and so much to another committee.

SECTION XXIX.

BILL, REPORT TAKEN UP.

When the report of a paper, originating with a committee, is taken up by the House, they

question needs be put on the whole
Grey, 381.

On taking up a bill reported
amendments, the amendments only are
clerk. The Speaker then reads
puts it to the question, and so on
are adopted or rejected, before any
ment be admitted, except it be a
an amendment.—*Elsynge's Me*
through the amendments of the
Speaker pauses, and gives time for
to be proposed in the House to the
bill; as he does also if it has
without amendments; putting no
on amendments proposed; and
the whole, he puts the question,
bill shall be read the third time?

the United States, and in Parliament, are totally different. The former shall be first stated.

The 28th rule of the Senate says, "All bills, on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in a committee of the whole, before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered;" that is to say, unless ordered to be referred to a special committee.

The proceedings of the Senate, as in a committee of the whole, or in quasi-committee, is precisely as in a real committee of the whole, taking no questions but on amendments. When through the whole, they consider the quasi-committee as risen, the House resumed, without any motion, question, or resolution to that effect, and the President reports, that "the House, acting as in committee of the whole, have had under their consideration the bill, entitled, &c. and have made sundry amendments, which he will now report to the House." The bill is then before them, as it would have been if reported from a committee, and questions are regularly to be put again on every amendment; which being gone through, the President pauses to give time to the House to propose amendments to the body of the bill, and when through, puts the question, Whether it shall be read a third time?

After progress in amending a bill in quasi-committee, a motion may be made to refer it to a special committee. If the motion prevails, it is equivalent in effect to the several votes that the committee rise, the House resume itself, discharge the committee of the whole, and refer the bill to a special committee. In that case, the amendments already made fall. But if the motion fails, the quasi-committee stands in *statu quo*.

How far does this 28th rule subject the House, when in quasi-committee, to the laws

may speak as often as he p
votes of a committee may be re
when reported to the House.—
even of the whole, cannot ref
another committee.—4. In a c
vious question can be taken: t
avoid an improper discussion,
the committee rise: and if it
that the same discussion will
returning into committee, the
charge them, and proceed itself
keeping down the improper c
previous question.—5. A comm
ish a breach of order, in the l
gallery.—9 *Grey*, 113: it can
port it to the House, who
punish. The 1st and 2d of tl
attach to the quasi-committee
every day's practice proves; an
only ones to which the 28th r
iect them: for it continues to

committee is, to avoid it by returning into the House: for the moment it would resume the same subject there, the 20th rule declares it again a quasi-committee.—5th. It would doubtless exercise its powers as a House on any breach of order.—6th. It takes a question by Yea and Nay, as the House does.—7th. It receives messages from the President, and the other House.—8th. In the midst of a debate, it receives a motion to adjourn, and adjourns as a House, not as a committee.

SECTION XXXI.

BILL, SECOND READING IN THE HOUSE.

In Parliament, after the bill has been read a second time, if, on the motion and question, it be not committed, or if no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and when through the whole, he puts the question, Whether it shall be read a third time? if it came from the other House. Or, if originating with themselves, Whether it shall be engrossed and read a third time? The Speaker reads sitting, but rises to put a question. The clerk stands while he reads.

and that which goes to the other H
Senate, has never been seen in Sen
merous, difficult, and illegible ar
text, the Secretary may, with the r
tions, commit errors, which can i
rected.*

The bill being now as per
can make it, this is the prope
fundamentally opposed, to ma
tack. All attempts at other
disjointed efforts ; because man

* This difficulty has since been
lowng Rule of the Senate :

" The final question, upon the sec
bill, resolution, constitutional amendi
ginating in the Senate, and requiring
vions to being passed, shall be, " Wh
grossed and read a third time ?" a
shall be received for discussion at tl
any bill, resolution, amendment, or
unanimous consent of the members
at all times be in order before the C

pect to be in favour of the bill, ultimately, are willing to let it go on to its perfect state, to take time to examine it themselves, and to hear what can be said for it; knowing that, after all, they have sufficient opportunities of giving it their veto. Its two last stages, therefore, are reserved for this, that is to say, on the question, Whether it shall be engrossed and read a third time? and lastly, Whether it shall pass? The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote, the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents; and it behoves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question, Whether it shall pass?

When the bill is engrossed, the title is to be endorsed on the back, and not within the bill.—*Hakew. 250.*

Where papers are laid before a committee, every member has a right to have them once read : he can be compelled to vote on them, and it is a great, though common error to suppose that he has a right, *toties quoties*, to demand the journals, accounts, or papers, on any subject, independently of the will of the assembly. To delay and interruption which this course produces, to produce, evince the impossibility of such a right. There is no propriety in supposing that a member has a right to have as much information as possible on any question on which he is to vote, if he does not desire the reading, if it be seen that he desires for information, and not for delay, directs it to be read without putting it to a vote, if no one objects. But if objection must be put.—2 *Hats.* 117, 118

It is equally an error to suppose that a member has a right to demand the journals, accounts, or papers, on any subject, independently of the will of the assembly.

a paper in his place, if it be objected to, leave of the House. But this rigour is exercised but where there is an intentional gross abuse of the time and patience of the House.

A member has not a right even to read his speech, committed to writing, without leave. The House is so is to prevent an abuse of time ; and leave is not refused, but where that is intended.—2 *Grey*, 227.

Report of a committee of the Senate on a bill introduced by the House of Representatives being under consideration, on motion that the report of the committee of the House of Representatives on the bill be read in Senate, it passed in the Senate.—*Feb.* 28, 1793.

Formerly, when papers were referred to a committee, they used to be first read, but of late, they are not read ; unless a member insists they be read, and then nobody can oppose it.—*117*.

SECTION XXXIII.

PRIVILEGED QUESTIONS.

When a question is under debate, no motion shall be made to adjourn, to lie on the table, to postpone

received but to adjourn, to lie on a
previous question, to postpone to a day
or amend, to postpone indefinitely
motions shall have precedence in the
are arranged: and no motion to pre-
tain, to commit, or to postpone is
cided, shall be again allowed on the
same stage of the bill or proposition
out the enacting words of a bill shall
a motion to amend, and, if carried,
equivalent to its rejection.—*Rules*

It is no possession of a bill,
ered to the clerk to be read,
reads the title.—*Lex. Parl.*
Mem. 85.—*Ord. House Comm.*

It is a general rule, that the
moved and seconded shall be
28. 22—2 *Hats.* 81. But this
to what may be called privilege
the privileged questions are of
among themselves.

A motion to adjourn. simply

to read a paper in his place, if it be objected to, without leave of the House. But this rigour is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time; and therefore is not refused, but where that is intended.—2 *Grey*, 227.

A report of a committee of the Senate on a bill from the House of Representatives being under consideration, on motion that the report of the committee of the House of Representatives on the same bill be read in Senate, it passed in the negative.—*Feb.* 28, 1793.

Formerly, when papers were referred to a committee, they used to be first read, but of late, only the titles; unless a member insists they shall be read, and then nobody can oppose it.—2 *Hats*. 117.

SECTION XXXIII.

PRIVILEGED QUESTIONS.

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone

When a question is received but to adjourn a question, to postpone or amend, to postpone shall have precedence: and to sustain, to commit, or to reject, shall be again at the same stage of the bill. The enacting words of a motion to amend, shall be equivalent to its rejection.

It is no possession of the clerk to read the title.—*Mem. 85.—Ord.*

It is a general rule that a motion moved and seconded shall be decided by the yeas and nays. 28. 22—2 *Hats.* to what may be called the privileged question among themselves.

tions, except for adjournment. That is to say, the question which is the subject of an order, is made a privileged one, *pro hac vice*. The order is a repeal of the general rule as to this special case. When any member moves, therefore, for the orders of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed, it might continue through the day, and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, "Whether the House will now proceed to the orders of the day?" they must be read and proceeded on in the course in which they stand.—2 *Hats*. 83. For priority of order gives priority of right, which cannot be taken away but by another special order.

After these there are other privileged questions, which will require considerable explanation.

It is proper that every Parliamentary assembly should have certain forms of question, so adapted as to enable them fitly to dispose of every proposition which can be made to them. Such are, 1. The previous question: 2. To postpone indefinitely: 3. To adjourn to a definite day: 4. To lie on the table: 5. To commit: 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved, which it is useless or inexpedient now to express or discuss,

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for the whole of the
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4. When the House has
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t. But, if decided negatively, that it shall be postponed, the main question may then be suppressed by the previous question, or may be committed or amended.

The 3d class is subject to the same observations as the 2d.

The 4th class—Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be put.

Amendment and postponement competing, amendment is first put, as the equivalent proposition to adjourn the main question would be in parliament. The reason is, that the question of amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed: and it might be that the occasion for urgent business might go by, and be lost through length of debate on the amendment, if the House had it not in their power to postpone the subject.

Amendment and commitment. The question of committing, though last moved, shall be first

because in truth it facilitates and befriends the motion to amend. *Scobell* is express—"On motion to amend a bill, any one may, notwithstanding, move to commit it, and the question of commitment shall be first put."—*Scob.* 46.

We have hitherto considered the case of two more of the privileged questions contending for privilege between themselves, when both

Suppose a motion to postpone or amend the main question, and to suppress that motion by putting the question on it. This is not : it would embarrass questions to them to be piled on one another high ; and the same result may be reached in a simple way, by deciding against the motion, commitment, or amendment. 81, 2, 3, 4.

Suppose a motion for the previous question, or commitment or amendment, and that it be then moved to postpone the motion for the previous question, commitment or amendment of the main question. It would be absurd to postpone the motion, commitment, or amendment, thus separate the appendage from the main question, yet it must be postponed separately, if at all : because the Senate says, that when a main

ment. But, if decided negatively, that it shall not be postponed, the main question may then be suppressed by the previous question, or may be committed or amended.

The 3d class is subject to the same observations as the 2d.

The 4th class—Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is, that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed: and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amendment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put: because in truth it facilitates and befriends the motion to amend. *Scobell* is express—"On a motion to amend a bill, any one may, notwithstanding, move to commit it, and the question for commitment shall be first put."—*Scob.* 46.

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both

Suppose a motion to j
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to avoid embarrassment, is not allowed : 3. The same result may be had more simply, by voting against the previous question, commitment, or amendment.

Suppose a commitment moved, of a motion for the previous question, or to postpone, or amend.

The 1st, 2d, and 3d reasons before stated, all hold good against this.

Suppose an amendment moved to a motion for the previous question ? Answer : The previous question cannot be amended. Parliamentary usage as well as the 9th Rule of the Senate, has fixed its form to be, " Shall the main question be now put ? " *i. e.* at this instant. And as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example, and without utility. But suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion. That is, we may amend a postponement of a main question. So we may amend a commitment of a main question, as by adding, for example, " with instruction to inquire," &c. In like manner, if an amendment be moved to an amendment, it is admitted. But it would not be admitted in another degree ; to wit, to amend an amendment to an amendment of a main question. This

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shall commence or the *terminus a quo* in other case, where the question must begin *in limbo*. The object being not to begin at extreme, which, and more, being within man's wish, no one could negative it, and if we should vote in the affirmative, every motion for more would be precluded; but at extreme which would unite few, and then advance or recede till you get to a number which will unite a bare majority.—3 *Grey*, 376. 385. “The fair question in this case is that to which and more all will agree, whether there shall be addition to the question.” *Grey*, 365.

Another exception to the rule of priority is, that a motion has been made to strike out or to a paragraph. Motions to amend it are put to the question, before a vote is taken striking out, or agreeing to the whole paragraph.

If there are several questions, which, being essential to every one, will take place of every privileged or not; to wit, a question of arising out of any other question, must be decided before that question.—2 *Hats*. 88.

A matter of privilege arising out of any question or from a quarrel between two members, by other cause, supersedes the consideration of the original question, and must be first decided of.—2 *Hats*. 88.

Reading papers relative to the question before

be admitted to the main question. may, after the previous question is conceded ; but not after it has been decided by the chair.

In this case he thinks the friends of the amendment must vote that the main question be now put ; and then move their amendment, which being made new by this vote is no longer the same which has been previously pressed, and therefore may be considered a new one. But this proceeding changes the main question, by dividing the friends of the amendment, some of whom may choose it unamended, rather than lose it altogether ; while the opponents may vote, as Hatsell advises, that the question be not now put, with a view to put it again in an amended form. Thus the main question, by this maneuver, gets the enemies of the amendment added to them on the first vote, and the friends of the main question are

Hats. 80, Sir Henry Vane introduced it.—2 *Grey*, 113, 114—3 *Grey*, 384. When the question was put in this form, "Shall the main question be put?" A determination in the negative suppressed the main question during the session; but since the words "now put" are used, they exclude it for the present only. Formerly indeed, only till the present debate was over; 4 *Grey*, 43; but now for that day and no longer.—2 *Grey*, 113, 114.

Before the question, "Whether the main question shall now be put?" any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all.—*Mem. in Hakew.* 28.

The proper occasion for the previous question, is when a subject is brought forward of a delicate nature as to high personages, &c., or the discussions of which may call forth observations, which might be of injurious consequences. Then the previous question is proposed, and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases: but in these, it is an embarrassing procedure: its uses would be as well answered by other more simple Parliamentary forms, and therefore it should not be favoured, but restricted within as narrow limits as possible.

Whether a main question may be amended after the previous question on it has been mov-

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it is proposed to amend by inserting a h, or part of one, the friends of the paray make it as perfect as they can, by ents, before the question is put for in-. If it be received, it cannot be amend-wards, in the same stage, because the as, on a vote, agreed to it in that form. manner, if it is proposed to amend by out a paragraph, the friends of a para-e first to make it as perfect as they can dments, before the question is put for it out. If, on the question, it be retain-not be amended afterwards: because a inst striking out is equivalent to a vote to in that form.

it is moved to amend, by striking out words and inserting others, the manner; the question is, first to read the whole to be amended, as it stands at present; words proposed to be struck out: next be inserted; and, lastly, the whole pass-it will be when amended. And the, if desired, is then to be divided, and on striking out. If carried, it is next on the words proposed. If that be lost, it moved to insert others.—2 Hats. 80. 7. ion is made to amend by striking out words, and inserting others in their place, negatived. Then it is moved to strike me words, and to insert others of a tenor different from those first proposed. It l. Then it is moved to strike out the

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When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can, by amendments, before the question is put for inserting it. If it be received, it cannot be amended afterwards, in the same stage, because the House has, on a vote, agreed to it in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of a paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If, on the question, it be retained, it cannot be amended afterwards: because a vote against striking out is equivalent to a vote agreeing to in that form. *

When it is moved to amend, by striking out certain words and inserting others, the manner of stating the question is, first to read the whole passage to be amended, as it stands at present; then the words proposed to be struck out: next those to be inserted; and, lastly, the whole passage, as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others.—2 *Hats*. 80. 7.

A motion is made to amend by striking out certain words, and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others of a tenor entirely different from those first proposed. It negatived. Then it is moved to strike out the

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After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition. For then it is resolved into the common case of striking out a paragraph after amending it. Nor does any thing forbid a new insertion, instead of A and its coherence.

In Senate, January 25, 1798, a motion to postpone until the second Tuesday in February, some amendments proposed to the Constitution. The words, 'until the second Tuesday in February,' were struck out by way of amendment. Then it was moved to add, 'until the first day of June.' Objected, that it was not in order, as the question should first be put on the longest time; therefore, a shorter time decided against, longer cannot be put to question. It was answered, that this rule takes place only in filling blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion; and when struck out a motion may be received to insert any other. In fact, it is not till they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the questions successively on the longest. Otherwise, it would be in the power of the mover, by inserting originally a short time, to preclude the possibility of a longer. For, till

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the rule, and relieves from in
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SECTION XXXVI.

DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be divided into two or more questions—*m. in Hakew.* 29. But not as the right of individual member, but with the consent of the House. For who is to decide whether a question is complicated or not? where it is complicated? into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House on a question, unless the House orders it to be divided: as on the question, Dec. 1640, making void the election of the Knights of Worcester, on a motion it was resolved to make two questions of it, to wit, one on each right.—2 *Hats.* 85, 86. So, wherever there are several names in a question, they may be divided and put one by one.—9 *Grey*, 444. So, 29, April 17, on an objection that a question was complicated, it was separated by amendment.—2 *Hats.* 79. 5.

The soundness of these observations will be evident from the embarrassments produced by the 12th rule of the Senate, which says, 'If the question in debate contains several points, any member may have the same divided:' but, on a motion to strike out and insert, it shall be in order to move for a division of the question; the rejection of a motion to strike out and insert

1798, May 30, the alien bill in
tee. To a section and proviso
had been added two new provis
amendment. On a motion to str
tion as amended, the question wa
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second question, after having bee
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the rule, and relieves from incor
question to be decided.

not extend, 1. To any foreign minister; nor 2. To any person to whom the President should give a passport; nor 3. To any alien merchant, conforming himself to such regulations as the President shall prescribe; and division of the question into its simplest elements was called for. It was divided into four parts, the 4th taking in the words, 'conforming himself,' &c. It was objected, that the words 'any alien merchant' could not be separated from their modifying words, 'conforming,' &c., because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the House having, on the question, retained the two first divisions, the words, 'any alien merchant,' may be struck out, and their modifying words will then attach themselves to the proceeding description of persons, and become a modification of that description.

When a question is divided, after the question on the first member, the 2d is open to debate and amendment: because it is a known rule, that a person may rise and speak at any time before the question has been completely decided, by putting the negative, as well as the affirmative side. But the question is not completely put when the vote has been taken on the first member only. One half of the question, both affirmative and negative, still remains to be put.—

greement be expressly voted :
respecting amendments from an
are 1st. To agree ; 2d. Disagree ;
4th. Insist ; 5th. Adhere.

1st. To agree. } Either of th
2d. To disagree. } the other neces
positive of either exa
alent of the negative
and no other alterna
On either motion, an
the amendment may
e. g. if it be moved
those who are for th
have a right to propos
and to make it as p
can, before the questio
ing is put.

3d. To recede. You may then c

4th. To insist. You may then e

has been made and seconded, no other received except it be a privileged one.

SECTION XXXVIII.

EQUIVALENT QUESTIONS.

On a question for rejection, a bill be retained—passes of course to its next reading.—*v.* 141.—*Scob.* 42, and a question for a 2d reading determined negatively, is a rejection without farther question.—4 *Grey*, 149. See *Elsynge's Memor.* 42, in what cases questions are to be taken for rejection.

Where questions are perfectly equivalent, so the negative of the one amounts to the affirmative of the other, and leaves no other alternative—the decision of the one concludes necessarily the other.—4 *Grey*, 157. Thus the negative of striking out amounts to the affirmative of striking out; and therefore to put a question on striking out after that on striking out, would be to ask the same question in effect twice over. Notwithstanding questions of amendments between the two motions. A motion to recede being negatived, does not amount to a positive vote to insist, unless there is another alternative, to wit, to

To prevent bills from being
prise, the House, by a standing
that they shall not be put on their
a fixed hour, naming one at which
commonly full. *Hakew. 153.*

The usage of the Senate is, not to p
passage till noon.

A bill reported and passed to
ing, cannot on that day be read
and passed. Because this would
two readings on the same day.
reading, the clerk reads the bill,
to the Speaker, who states the tit
third time of reading the bill, and
tion will be, Whether it shall pas
the Speaker, or those who prepa
pared also a breviat or summar
its contents, which the Speaker
declared the state of the bill at th
ings. Sometimes, however, he

authorize the Secretary by inference to enter another vote: for two alternatives still remain, either of which may be adopted by the House.

SECTION XXXIX.

THE QUESTION.

The question is to be put first on the affirmative, and then on the negative side.

After the Speaker has put the affirmative part of the question, any member who has not spoken before the question, may rise and speak before the negative be put. Because it is no full question till the negative part be put.—*Scob.* 23—*Hats.* 73.

But in small matters, and which are of course, such as receiving petitions, reports, withdrawing motions, reading papers, &c. the Speaker most commonly supposes the consent of the House, where no objection is expressed, and does not give them the trouble of putting the question formally.—*Scob.* 22—2 *Hats.* 87. 2. 87—5 *Grey*, 129—9 *Grey*, 301.

To prevent bills from being brought in by surprise, the House, by a standing order, that they shall not be put on at a fixed hour, naming one at which the House is commonly full. *Hakew. 15.*

The usage of the Senate is, not to bring in a bill till noon.

A bill reported and passed in the House, cannot on that day be read in the Senate and passed. Because this would be two readings on the same day. At the first reading, the clerk reads the bill to the Speaker, who states the contents. At the second reading, the third time of reading the bill, a motion will be, Whether it shall pass. The Speaker, or those who prepare the bill, also prepare a brief or summary of its contents, which the Speaker reads. The Speaker then declares the state of the bill.

the 1st section enacts, that, &c. the second section enacts,' &c.

But in the Senate of the United States, both of these formalities are dispensed with; the breviate presenting but an imperfect view of the bill, and being capable of being made to present a false one; and the full statement being an useless waste of time, immediately after a full reading by the clerk; and especially as every member has a printed copy in his hand.

A bill, on the third reading, is not to be committed for the matter or body thereof: but, to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual.—*Hakew.* 156; thus, 27 *El.* 1584, a bill was committed on the third reading, having been formerly committed on the second; but is declared not usual.—*D'Ewes*, 137, col. 2. 414, col. 2.

When an essential provision has been omitted, rather than erase the bill, and render it suspicious, they add a clause on a separate paper, engrossed and called a rider, which is read, and put to the question three times.—*Elsynge's Memorials*, 59—6 *Grey*, 335—1 *Blackst.* 183. For examples of riders, see 3 *Hats.* 121, 122, 124. 126. Every one is at liberty to bring in a rider without asking leave.—10 *Grey*, 52.

It is laid down as a general rule, that amendments proposed at the second reading shall be twice read, and those proposed at the third reading thrice read; as also all amendments

...by which occasion erasure
tions. Sometimes the proviso is
from a bill ; sometimes erased.—

This is the proper stage for fil
for if filled up before, and now
sure, it would be peculiarly unsa

At this reading, the bill is c
and for the most part is more sp
time, than on any of the fo
Hakew. 153.

The debate on the question
should be read a third time? has
its friends and opponents the
which each side relies, and whic
pear to have influence with the
have had time to meet them w
ments, and to put their old ones in
The former vote has tried the s
first opinion, and furnished groun
the issue ; and the question now
passage, is the last occasion whic
offered for —

After the bill has passed, there can be no further alteration of it in any point.—*Hakew.* 159.

SECTION XLI.

DIVISION OF THE HOUSE.

The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it by the sound, if he be himself satisfied, and it stands as the judgment of the House. But if he be not himself satisfied which voice is the greater, or if, before any other member comes into the House, or before any new motion is made, (for it is too late after that,) any member shall rise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House.—*Scob.* 24—2 *Hats.* 140.

When the House of Commons is divided, the one party goes forth, and the other remains in the House. This has made it important which go forth, and which remain; because the latter gain all the indolent, the indifferent, and inattentive. Their general rule, therefore, is, that those who give their vote for the preservation of the orders of the House, shall stay in, and those who are for introducing any new matter or alteration, or proceeding, contrary to the established course, are to go out. But this rule is

ment or who go forth.

| | | |
|---|---|---|
| Petition that it be received,* | } | 1 |
| Read, - - - | | |
| Lie on the table, - - - | } | 1 |
| Rejected after refusal to lie on the table, - - - | | |
| Referred to a committee, or farther proceeding, - - - | } | 1 |
| Bill, that it be brought in, - - - | | |
| Read 1st or 3d time, - - - | } | A |
| Engrossed or read 2d time, - - - | | |
| Proceeding on every other stage, - - - | | |
| Committed, - - - | } | |
| To a Committee of the whole, N | | |
| To a select committee, - - - | | A |
| Report of bill to lie on table, N | | |
| Be <i>now</i> read, - - - | } | A |
| Be taken into consideration | | |
| three months hence, - - - | } | 5 |
| Amendments be read a 2d time. | | |

| | | | |
|----------------------------------|---|-------|------|
| That a bill be now read a 3d | } | Noes. | |
| time, - - - - | | 398. | |
| Receive a rider, - - - | } | | 260. |
| Pass, - - - - | | Ayes | 259. |
| Be printed, - - - - | } | | |
| Committees. That A take the | | | |
| chair. - - - - | } | | |
| To agree to the whole or any | | | |
| part of report. - - - | } | | |
| That the House do <i>now</i> re- | | | |
| solve into a committee. | } | 291 | |
| Speaker. That he now | | Noes. | |
| leave the chair, after or- | } | | |
| der to go into committee. | | | |
| That he issue warrant for a | } | | |
| new visit. - - - - | | | |
| Member. That none be ab- | } | | |
| sent without leave. | | | |
| Witness. That he be further | } | | |
| examined, - - - - | | Ayes | 344 |
| Previous questions . - - | } | Noes. | |
| Blanks. That they be filled | | | |
| with the largest sum. | } | Ayes. | |
| Amendments. That words | | | |
| stand part of. - - - | } | | |
| Lords. That their amend- | | Ayes. | |
| ment be read a 2d time. | } | | |
| Messenger be received. - | | | |
| Orders of the day to be now | } | Ayes. | |
| read, if before 2 o'clock. | | | |
| If after 2 o'clock. - - - | } | Noes. | |
| | | | |

of both sides begins and proceeds.
It is true, also, when the question is put in the usual way, if the negative has been carried.
But if it has not, the member who has proposed the question, or any other member may speak, and propose amendments, by which the question may be decided again, and the question may be put over.
And, as some who have answered the question have been changed by the new vote, the affirmative must be put over.
The member entering may, by his words, occasion a repetition of the question. It would be useless to deny it for it.

While the House is telling a member to speak, or move out of his place, if a mistake be suspected, it must be corrected.
Mem in Hakew. 26—2 Hats.

If any difficulty arises in putting the division, the Speaker may adjourn remptorily, subject to the future meeting.

the names of the persons voting for and against the bill, shall be entered on the journals of each House respectively.'

By the 16th rule of the Senate, when the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

When it is proposed to take the vote by yeas and nays, the President or Speaker states, that 'The question is, whether, *e. g.* the bill shall pass? That it is proposed, that the yeas and nays shall be entered on the journal. Those therefore, who desire it, will rise.' If he finds and declares that one-fifth have risen, he then states, that 'those who are of opinion that the bill shall pass, are to answer in the affirmative; those of the contrary opinion, in the negative.' The clerk then calls over the names alphabetically, notes the yea or nay of each, and gives the list to the President or Speaker, who declares the result. In Senate, if there be an equal division, the Secretary calls on the Vice President, and notes his affirmative or negative, which becomes the decision of the House.

In the House of Commons, every member must give his vote the one way or the other.—*Scob.* 24. As it is not permitted to any one to withdraw who is in the House when the question is put, nor is any one to be told in the division who was not in when the question was put.—2 *Hats.* 140.

[illegible]

lex majoris partis, is the law of all councils, elections, &c. where not otherwise expressly provided.—*Hakew.* 93. But, if the House be equally divided, ‘*semper presumatur pro negante* :’ that is, the former law is not to be changed but by a majority.—*Towns. col.* 134.

But, in the Senate of the United States, the Vice-president decides, when the House is divided.—*Const. U. S. Art. I. Sec. II.*

When, from counting the House, on a division, it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division, and must be resumed at that point on any future day.—*2 Hats.* 126.

1606, May 1, on a question, whether a member, having said Yea, may afterwards sit and change his opinion? A precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in 39 *Eliz.* who in like case changed his opinion.—*Mem. in Hakew.* 27.



SECTION XLII.

TITLE.

After the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other House.

When a question has been once made the affirmative or negative, it shall be the member of the majority to move for the thereof : but no motion for the re-con vote shall be in order after a bill, res report, amendment, or motion, upon w taken, shall have gone out of the pos nate, announcing their decision ; nor for re-consideration be in order, unless day on which the vote was taken, or wi days of actual session of the Senate ther

1798, Jan. A bill on its second readin ed, and on the question, whether it shal time negatived, was restored by a decisi that question. Here the votes of negi sideration, like positive and negative qu tion, destroy one another, and are as i punged from the journals. Consequently for amendment, just so far as it was th ceding the question for the third readi say, all parts of the bill are open for ame those on which votes have been already sent stage. So also may it be re-commit The rule permitting a re-consideration

ns to be settled, unless a sense that the right of reconsideration is a right to waste the time of the House repeated agitations of the same question, so that it will never know when a question is done with, should induce them to reform this anomalous proceeding.*

In Parliament, a question once carried, cannot be questioned again, at the same session; but it must stand as the judgment of the House.—*Townes. col.* 67—*Mem. in Hakew.* 33. And a

question once rejected, another of the same substance cannot be brought in again the same session.—*Hakew.* 158—6 *Grey*, 392. But this does not tend to prevent putting the same questions in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of committees, *e. g.* report of an address, the same question is before the House, and open for free discussion.—*Townes. col.* 26—2 *Hats.* 98. 100,

So orders of the House, or instructions to committees, may be discharged. So a bill when in one House, sent to the other, and there rejected, may be renewed again in that House, passed, and sent back.—*Ib.* 92—3 *Hats.*

Or, if, instead of being rejected, they read twice, and lay it aside, and put it off a month,

This defect is remedied by Rule 20, cited above, which has been adopted since the original edition of this work was published.

acts of this rule ; as, by passing
act, if any thing has been omitted,
ed, 3 *Hats.* 278 ; or an act to en-
more effectual an act, &c. or to
in an act, &c. or a committee or
be instructed to receive a clause
mistakes of another. Thus, Ju-
clause was inserted in a bill for r-
take committed by a clerk in en-
of reply.—2 *Hats.* 194. 6. Or th-
be closed for one, two, three, or
a new one commenced. But th-
depending must be finished, or th-
to begin *de novo*.—2 *Hats.* 94.
of the subject may be taken up b-
or taken up in a different way.—
316.

And in cases of the last magn-
has not been so strictly and verba-
to stop indispensable proceedings
2 *Hats.* 92. 98. Thus, when the

for it were thought to outweigh the objection of form.—2 *Hats.* 99, 100.

A second bill may be passed, to continue an act of the same session; or to enlarge the time limited for its execution.—2 *Hats.* 95. 98. This is not in contradiction to the first act.

SECTION XLIY.

BILLS SENT TO THE OTHER HOUSE.

All bills passed in Senate shall, before they are sent to the House of Representatives, be examined by a committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of the possession of the Senate, and to make report that they are correctly engrossed; which report shall be entered on the Journal.—*Rule 33.*

A bill from the other House is sometimes ordered to lie on the table.—2 *Hats.* 97.

When bills, passed in one House and sent to the other, are grounded on special facts requiring proof, it is usual, either by message, or at a conference, to ask the grounds and evidence; and this evidence, whether arising out of papers, or from the examination of witnesses, is immediately communicated.—3 *Hats.* 48.

When either House, *e. g.* the Lords, sends a bill to the other, pass it with amendments. The progression in this case is, that the Commons agree to the amendment; the Lords insist on their disagreement; the Commons adhere to their amendments; the Lords adhere to their disagreements; if insisting may be repeated as often as they choose, to keep the question open; if first adherence by either, renders the matter usually suffered to fall.
148. Latterly, however, there are instances where, after their having gone to a second disagreement, must be an absolute conclusion on one side or the other somewhere, or otherwise transaction between the Houses would be endless.—*3 H. B.*
The term of insisting, we are told

instance.—10 *Grey*, 146. But it is not respectful to the other. In the ordinary Parliamentary course, there are two free conferences at least before adherence.—10 *Grey*, 147.

Either House may recede from its amendment, and agree to the bill ; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment. For here the disagreement and receding destroy one another, and the subject stands as before the disagreement.—*Elsynge*, 23. 27—9 *Grey*, 476.

But the House cannot recede from or insist on, its own amendment with an amendment, for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it ; but they cannot amend their own amendment, because they have, on the question, passed it in that form ; 9 *Grey*. 353—10 *Grey*, 240. In Senate, March 29, 1798. Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.

In the case of a money bill, the Lords proposed amendments, become, by delay, confessedly necessary. The Commons, however, refused them, as infringing on their privilege as to money bills, but they offered themselves to add to the bill a proviso to the same effect, which had

discuss *viva voce* and freely, propositions for such modification made in a Parliamentary way: the sense of the two houses together reports in writing to the houses the substance of what they said, and it is entered in their journals. 220—3 Hats. 280. (*Vide Joint* report cannot be amended or a committee may be.—*Journ.* 1796.

A conference may be asked, asking it has come to a resolution, insisting or adhering.—3 In which case the papers are read to the other conferees, but are brought to the foundation of the vote to be given the most reasonable and respectful. For, as was urged by the Lord Chancellor on that occasion, 'it is held vain, and b

ment to it be moved, an amendment to that amendment may also be moved, as being only in the second degree.

SECTION XLVI.

CONFERENCES.

It is on the occasion of amendments between the Houses that conferences are usually asked : but they may be asked in all cases of difference of opinion between the two houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers.—3 *Tats.* 71—1 *Grey*, 425.

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered without debate, to the managers of the other House at the conference ; but are not then to be answered.—3 *Grey*, 144. The other House then, if satisfied, vote the reasons satisfactory, or say nothing ; if not satisfied, they resolve them not satisfactory, and ask a conference on the subject of the last conference, where they read and deliver in like manner written answers to those reasons.—3 *Grey*, 183.

Grey, 255. At free conference discuss *viva voce* and freely propositions for such modification made in a Parliamentary way the sense of the two houses together party reports in writing to houses the substance of what sides, and it is entered in their journals 220—3 Hats. 280. (*Vide Joint* report cannot be amended or altered committee may be.—*Journ.* 8 1796.

A conference may be asked, but asking it has come to a resolution, insisting or adhering.—3 . In which case the papers are not other conferees, but are brought foundation of the vote to be given the most reasonable and respectful For, as was urged by the Lords occasion

a conference after they had made resolutions adhering. It was then affirmed, however, on a part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering; 3 *Hats.* 269; and we do in fact see instances of conference or of free conference, asked after the resolution of disagreement.—3 *Hats.* 251. 253. 260. 286. 291. 316. 9. of insisting, *ib.* 280. 296. 299. 319. 322. 5. of adhering, 269, 270. 283. 300. and even a second or final adherence.—3 *Hats.* 270. and in all cases of conference asked after a vote of disagreement, &c. the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference chamber.—3 *Hats.* 271. 7. 323. 354—10 *Grey*, 146.

After a free conference the usage is to proceed with free conferences, and not to return again to a conference.—3 *Hats.* 270—9 *Grey*, 9.

After a conference denied, a free conference may be asked.—1 *Grey*, 45.

When a conference is asked, the subject if it must be expressed, or the conference not agreed—*Ord. H. Com.* 89—1 *Grey*, 425—7 *Grey*,

. They are sometimes asked to inquire concerning an offence or default of a member of the other House.—6 *Grey*, 181—1 *Chand.* 304; the failure of the other House to present to the King a bill passed by both Houses.—8 *Grey*,

10 *Grey*, 150. Yet they commended a bill as of great consideration of the House to 3 *Hats*. 25. Nor when the bill from the other House, of it; but it passes sub-silently coming altercations.—1 *Black*

But in Congress, the rejection to the House in which the bill originated. 12.

A question is never asked of the other, by way of message; for this is an conference; for this is an message.—3 *Grey*, 151. 18.

When a bill is sent by other, and is neglected, the sage to remind them of it *Grey*, 154. But if it be more better to have it done in conferences between the Speakers of the two Houses

In Senate, the messengers are introduced in any state business, except—1 .While a question is putting.—While the yeas and nays are calling.—3. While ballots are calling. The first case is short: the second and third are cases where any interruption might occasion errors difficult to be corrected.—*Rule 46.*

In the House of Representatives, as in Parliament, if the House be in a committee when a messenger attends, the Speaker takes the chair receive the message, and then quits it to return into a committee, without any question or interruption.—4 *Grey*, 226.

Messengers are not saluted by the members, it by the Speaker, for the House.—2 *Grey*, 274.

If messengers commit an error in delivering their message, they may be admitted, or called, to correct their message.—4 *Grey*, 41. Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their Secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was received, and the two amendments acted on *de novo*.

As soon as the messenger, who has brought bills from the other House, has retired, the Speaker holds the bill in his hand, and acquaints the House, 'that the other House have, by their messenger, sent certain bills,' and then reads

the other by what numbers a bill is rejected. 10 *Grey*, 150. Yet they have commended a bill as of great importance for the consideration of the House to which it was sent. 3 *Hats*. 25. Nor when they receive a bill from the other House, do they reject it of it; but it passes sub-silently, without any coming altercations.—1 *Black*.

But in Congress, the rejection is not sent to the House in which the bill originated. 12.

A question is never asked by the other, by way of message conference; for this is an inter-house message.—3 *Grey*, 151. 181.

When a bill is sent by one House to the other, and is neglected, they send a message to remind them of it.—3 *Grey*, 154. But if it be merely a matter of courtesy, it is better to have it done informally by conversations between the Speakers.

y, to which the message referred, its being sent to one House, was not noticed by the other because the declaration, being original, might possibly be sent to both Houses at the same time.—2 *Hats.* 260, 261, 262.

The King having sent original letters to the Houses, afterwards desires they may be read, that he may communicate them to the other.—1 *Chandler*, 303.

SECTION XLVIII.

ASSENT.

House which has received a bill, and the other may present it for the King's assent, though they have not by law been notified to the other their passage of it. The notifying by message is a form which must be observed between the two Houses, motives of respect and good understanding.—*Hats.* 242. Were the bill to be withdrawn being presented to the King, it would be a infringement of the rules of Parliament.—*Hats.* 242.

When a bill has passed both Houses of Con-
 the House last acting on it notifies its
 to the other, and delivers the bill to the

...that the blanks will
may not give room for for
It is then put in the hands
House of Representatives, to
the Speaker. The clerk then
of message to the Senate, to
President. The Secretary of
it to the committee of enrolment
to the President of the United States.
Joint Rules 8, 9.) If he assents,
and deposits it among the rolls,
the Secretary of State, and notifies
the House in which it originated,
approved and signed it; of which
informs the other by message.
If he disapproves, he is to return it
with objections, to the House in which it
originated; who are to enter the objections
on their journal, and proceed to
consider it. If, after such re-consideration,
the House shall agree to pass the bill,
it shall be sent to the President.

law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. *Const. U. S. Art. I. Sec. 7.*

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.—*Const. U. S. Art. I. Sec. 7.*

SECTION XLIX.

JOURNALS.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy.—*Const. I. 5. 3.*

The proceedings of the Senate, when not acting as a committee of the House, shall be entered on the journals, as concisely as possible, care being taken to detail a true account of the proceedings. Every vote of the Senate shall be entered on the journals, and a brief statement of the contents of each petition, memorial, or pa-

If a question is interrupted by
journal, or to proceed to the order
the original question is never p
journal, it never having been a v
ductory to any vote: but when s
the previous question, the first que
stated, in order to introduce, and n
ble, the second.—2 *Hats*. 83.

So also, when a question is p
journal, or laid on the table, the c
tion, though not yet a vote, must
in the journals; because it make
vote of postponement, adjourning,
the table.

Where amendments are made t
those amendments are not printe
nals, separated from the question;
question as finally agreed to by the
rule of entering in the journals on
House has agreed to, is founded
dence and good sense: as there is

The first order for printing the votes of the House of Commons, was Oct. 30, 1685.—1 *Chandler*, 387.

Some judges have been of opinion, that the journals of the House of Commons are no records, but remembrances. But this is not law. *Cob.* 110, 111—*Lex. Parl.* 114, 115—*Jour. H. C. Mar.* 17, 1592—*Hale. Parl.* 105. For the Lords, in their House, have power of judicature; the Commons, in their House, have power of judicature; and both Houses together have power of judicature; and the book of the clerk of the House of Commons is a record, as is affirmed by act of Parliament.—6 *H.* 8. c. 16—*Inst.* 23, 24; and every member of the House of Commons has a judicial place.—4 *Inst.* 15. As records, they are open to every person; and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other, and report what has been done by the other in any particular case.—2 *Hats.* 261—3 *Hats.* 27–30. Every member has a right to see the journals, and to take and publish votes from them. Being a record, every one may see and publish them.—6 *Grey*, 118, 119.

On information of a mis-entry or omission of an entry in the journal, a committee may be appointed to examine and rectify it, and report it to the House.—2 *Hats.* 194, 5.

Mod. 152—*Ruffh. Jac's. L. L.*
—*Blackst.* 186. Their whole
sidered in law but as one day,
to the first day 'thereof.—*Br*
ment, 86.

Committees may be appoint
recess by adjournment, but not
5 *Grey*, 374—9 *Grey*, 350—
Neither House can continue a
self in any Parliamentary func
end of the session, without the
other two branches. When do
constituting them commissione
lar purpose.

Congress separate in two ways o
journment, or dissolution by the ef
What then constitutes a session with
tion certainly closes one session, and
new Congress begins another. The C
izes the President, "On extraordinar
vene both Houses, or either of them."

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, &c. it adjourns during pleasure.—2 *Hats*. 305. Or for a quarter of an hour.—5 *Grey*, 331.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it.—5 *Grey*, 137. And from courtesy and respect, no member leaves his place till the Speaker has passed on.

SECTION LI.

A SESSION.

Parliament have three modes of separation, to wit, by adjournment, by prorogation, or dissolution by the King, or by the efflux of the term for which they were elected, Prorogation or dissolution constitutes there what is called a session; provided some act has passed. In this case, all matters depending before them are discontinued, and at their next meeting are to be taken up *de novo*, if taken up at all.—1 *Blackst.* 186. Adjournment, which is by themselves, is no more than a continuance at the session from one day to another, or for a fortnight, a month, &c. *ad libitum*. All matters depending remain

200. *Rep.* 20—2 *Inst.* 1. 21, 28—*Mod.* 152—*Ruffh. Jac's. L. Dict*
—*Blackst.* 186. Their whole considered in law but as one day, and to the first day thereof.—*Bro. ment*, 86.

Committees may be appointed in recess by adjournment, but not by 5 *Grey*, 374—9 *Grey*, 350—1 (Neither House can continue any self in any Parliamentary function end of the session, without the consent of the other two branches. When done, constituting them commissioners for a particular purpose.

Congress separate in two ways only, adjournment, or dissolution by the efflux of time. What then constitutes a session with the President certainly closes one session, and the new Congress begins another. The Constitutionizes the President, "On extraordinary occasions, he may convene both Houses or either of them."

must begin a new session. For even if the adjournment was to this day, the act of adjourning is vested in the higher authority of the Constitution. The next meeting will be under that, and not under the present adjournment. So far we have fixed landmarks for future sessions. In other cases, it is declared by the Senate authorizing the President of the Senate, or the Speaker, to close the session on a fixed day, usually in the following form, "Resolved, by the Senate and House of Representatives, that the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session, and to adjourn their respective Houses on the —— day

it was said above, that all matters depending before Parliament were discontinued at the termination of the session, it was not the case in judicial cases, depending before the Lords, such as impeachments, appeals, &c. of error. These stand continued of right to the next session.—*Raym.* 120. 381—*10. L. D. Parliament.*

and matters stand in like manner continued before the President of the United States.*

It was held, in the case of *Hastings*, that a dissolution of Parliament work the discontinuance of an impeach-

The President of the United States with the advice and consent of the Senate, provided two-thirds of the Senate—*Const. U. S. Art. II. Sec. 2.*

All confidential communications, resident of the United States to the Senate members thereof, kept inviolably secret, which may hereafter be laid shall also be kept secret, until the Senate resolution, take off the injunction of

Treaties are legislative acts. of the land. It differs from others it must have the consent of a majority, but a contract with respect to In all countries, I believe, ex-treaties are made by the legislature there also, if they touch the law they must be approved by Parliament. *vs. Hylton.—3 Dallas's Rep.* acknowledged, for instance, that the Britain cannot, by a treaty, make an alien — *Vattel* b. 1. c. 10. p. 2

cted. France, the other contracting party, suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty.—4 *Russell's Hist. Mod. Europe*, 457—2 *Smollet*, 12. 246.

By the Constitution of the United States, this department of legislation is confined to two branches only, of the ordinary Legislature; the President originating, and the Senate having a negative. To what subject this power extends, has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves.—1. It is admitted, that it must concern the foreign nation, in relation to the contract, or it would be a mere nullity *res inter alios acta*.—2. By the general power to make treaties, the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty, and cannot be otherwise regulated.—3. It must have meant to except out of these the rights reserved to the States; for surely the President and Senate cannot, by treaty what the whole Government is interdicted from doing in any way.—4. And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some, on the ground that it would leave very little matter for the treaty power to work on. The less is better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation, is no more inconvenient than to the Senate. But the ground of this exception is denied as unfounded. For example, *e. g.* the treaty of commerce with France, and it will be found that out of thirty-one articles, there are not more than small portions of two or three of them

clare them infringed and rescinded.
ingly the process adopted in the case

It has been the usage of the Executive to communicate a treaty to the Senate for its ratification, and to communicate also the correspondence connected with it. This having been omitted in the case of the Prussian treaty, was asked by a vote on Feb. 12, 1800, and was obtained. Another Convention of that year between the United States and France, with the report of the negotiators, but not their instructions, being presented to the Senate, the instructions were asked and obtained by the President.

The mode of voting on questions of ratification is by a nominal call.

Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time only; when no motion to reject, ratify, or amend the whole or any part, shall be received.

Its second reading shall be for consideration on a subsequent day, when it shall be referred to a committee of the whole, and every member shall be at liberty to move a question on any particular article, and to say "Will the Senate advise and consent to the ratification of this article?" or to propose any amendment.

concurrence of two-thirds for whatever is re-
inserted.

As so confirmed shall, by the House, or a com-
mittee, be reduced into the form of a ratification
without modifications, as may have been decided,
and be proposed on a subsequent day, when every
member shall be free to move amendments, either by
adding or leaving out words; in which last case the
question shall be, "Shall the words stand part of the re-

And in both cases the concurrence of two-
thirds shall be requisite to carry the affirmative: as well
in the case of a question to advise and consent to the rati-
fication as in the case of a question to agree to the form
agreed to.—*Rule 37.*

On any question may have been decided by the
majority of two-thirds of the members present are
to carry the affirmative, any member who
was on the side which prevailed in the question, may
move for a re-consideration; and a mo-
tion for re-consideration shall be decided by a majority
of two-thirds.—*Rule 44.*

SECTION LIII.

IMPEACHMENT.

The House of Representatives shall have the sole
power of impeachment.—*Const. U. S. Art. I. Sec. 3.*

The Senate shall have the sole power to try all im-
peachments. When sitting for that purpose, they shall
swear or affirmation. When the President of the
United States is tried, the Chief Justice shall preside:
and no person shall be convicted without the concur-

ment. Thus, by the usage
impreachment for writing o
ticular words need not be sp
325—2 *Woodd.* 602. 605—
June, 1701—1 Wms. 616.

Appearance.—If he appe
capital, he answers in cust
the accusation be general. I
mitted but on special accusa
a misdemeanor only, he ans
place, a Commoner at the k
today, unless, on the answe
cause to commit him till he
tend, and lest he should fly.—
A copy of the articles is giv
fixed for his answer.—*T. R.*
—*Fost.* 232—1 *Clar. Hist.*
On a misdemeanor, his app
person, or he may answer
attorney.—*Seld. Jud.* 100.
on an accusation for a mied.

the common law ; but not in capital cases.—*d. Jud.* 102—5.

Answer.—The answer need not observe at strictness of form. He may plead guilty to part, and defend as to the residue ; or, ing all exceptions, deny the whole, or give articular answer to each article separately.—

Rush. 274—2 *Rush.* 1374—12 *Parl. Hist.* 1—3 *Lords' Journ.* 13 *Nov.* 1643—2 *Wood.*

But he cannot plead a pardon in bar to impeachment.—2 *Wood.* 618—2 *St. Tr.*

5.

Replication, rejoinder, &c.—There may be a replication, rejoinder, &c.—*Seld. Jud.* 114—8 *ey's Deb.* 233—*Sach. Tr.* 15—*Journ. H. of Commons*, 6 *March*, 1640, 1.

Witnesses.—The practice is to swear the witnesses in open House, and then examine them there : or a committee may be named, who will examine them in committee either on interrogatories agreed on in the House, or such as the committee, in their discretion, shall demand.

d. Jud. 120. 123.

Jury.—In the case of Alice Pierce, 1 *R.* 2. a jury was empannelled for her trial before a committee.—*Seld. Jud.* 123. But this was on a complaint, not on impeachment by the Commons.—*Seld. Jud.* 163. It must also have been a misdemeanor only, as the Lords Spiritual in the case, which they do on misdemeanors, not in capital cases.—*Seld. Jud.* 148. The punishment was a forfeiture of all her lands and

his country, a jury ought to
 and he adds, that it is not
 ment by the Commons; for
proprio, and here no jury or
 nelled.—*Id.* 124. The Lord
 was arraigned for the murder
 formation on the part of the
 impeachment of the Common
 had been *patria sua*. He w
 and was tried by a jury of G
 Warwickshire.—*Id.* 125. In
 Commons protest that they a
 dered as parties to any judgm
 after to be given in Parliamen
 have been generally, and mo
 ed, as is before stated, as the
 the conceit of Selden is certa
 that they are the *patria sua* o
 that the Lords do only judge,
 undeniable that they do try.
 witnesses as to the facts, and

throughout, either as a committee of the whole House; or otherwise, at discretion, appoint managers to conduct the proofs.—*Rushw. Tr. of Straff.* 37—*Com. Journ.* 4 Feb. 1709, 10. 2 *Wood.* 614. And judgment is not to be given till they demand it.—*Seld. Jud.* 124. But they are not to be present on impeachment when the Lords consider of the answer or proofs, and determine of their judgment. Their presence, however, is necessary at the answer and judgment in cases capital.—*Id.* 58. 159; as well as not capital, 162. The Lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty; and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on.—*Seld. Jud.* 167—2 *Wood.* 612.

Judgment.—Judgments in Parliament, for death, have been strictly guided *per legem terræ*, which they cannot alter: and not at all according to their discretion. They can neither omit any part of the legal judgment, nor add to it. Their sentence must be *secundum, non ultra legem*.—*Seld. Jud.* 168, 169, 170, 171. This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments, prevail. For impeachments were not framed to alter the law, but to carry it into more effectual execution against too powerful

life and death.—*Seld. Jud.*
Steward is deemed not nec
1 *Woodd.* 613. In misde
corporal punishment hath
—*Seld. Jud.* 184. The K
sary in capital judgments,
contra,) but not in misd
136.

Continuance.—An impe
continued by the dissolution
may be resumed by the n
Ray. 383—5 *Com. Jour.* 2
Jour. May 16, 1791—2 *W*

RULES
FOR
CONDUCTING BUSINESS
IN THE
SENATE OF THE UNITED STATES.

1. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.

3. Every member, when he speaks, shall address the chair, standing in his place, and, when he has finished, shall sit down.

4. No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate.

—product of the day.

16. When the yeas and nays are called for by one-fifth of the members present, the member called upon shall state his reasons, and shall then openly, and without debate, vote. The yeas and nays shall be sent to the question. In the case of a tie, the yeas shall prevail. In the case of a tie, the yeas shall prevail. In the case of a tie, the yeas shall prevail.

17. When the yeas and nays are taken upon any question, in pursuance of the rule, no member shall be permitted to leave the chamber under any circumstances whatever, to vote, until the result is announced from the chair.

18. On a motion made and carried, the doors of the Senate, on the business which may, in the future, require secrecy, the President of the Senate, the gallery to be cleared; and on the discussion of such motion, the

20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof: but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

21. When the Senate are equally divided, the secretary shall take the decision of the President.

22. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States, and the Senators shall signify their assent or dissent, by answering, ay or no.

23. The Vice-President, or President of the Senate pro tempore, shall have the right to name a member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

24. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement

after the first reading, be
the Senate: but no other
shall be printed for the use
out special order.

26. Every bill shall
previous to its being passed
shall give notice at each,
second, or third; which
three different days, unless
mously direct otherwise.
proposing amendments to
which the approbation and
sident may be requisite,
money out of the contingent
shall be treated in all respec
tion and form of proceeding
Senate, in a similar manner
other resolutions shall lie
for consideration, and also
tees.

27. No bill shall be co

the Senate agreeably to the standing rules, less otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, in committee of the whole, the Vice-President, or President pro tempore, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole: and the chairman so called shall, during such time, have the powers of a President pro tempore.

29. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at the first reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present: but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

30. The special orders of the day shall not be called by the chair before one o'clock, unless otherwise directed by the Senate.

being as in committee o
entered on the journal as
care being taken to detail :
count of the proceedings :
Senate shall be entered c
brief statement of the con
memorial, or paper, pres
shall also be inserted on th

33. The following Stan
consist of five members ea
at the commencement of
leave to report by bill or ot

A Committee on Foreign

A Committee on Finance

A Committee on Comme

A Committee on Manufa

A Committee on Agricul

A Committee on Military

A Committee on the Mil

A Committee on Naval A

A Committee on Public

A Committee on Pensions.

A Committee on the District of Columbia.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate.

And a Committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and to make report that they are correctly engrossed, by delivery to the secretary ; which report shall be entered on the journal.

34. In the appointment of the Standing Committees, the Senate will proceed, by ballot, severally, to appoint the chairman of each committee, and then, by one ballot, the other members necessary to complete the same ; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a Standing Committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

35. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

36. When nominations shall be made in writing by the President of the United States to

dent of the Senate shall
floor, be considered as
and his chair shall be
of the United States.
be convened by the
States to any other place
Senate and Senators shall
appointed. The secretaries
also attend to take the

37. Whenever a treaty
the Senate for ratification
time for information on
reject, ratify, or modify
shall be received. Its
for consideration, and
when it shall be taken
the whole, and every other
a question on any particular
"Will the Senate advise
ratification of this article?"

be stated to the House, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, "Shall these words stand as part of the resolution?" And in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as, on the final question, to advise and consent to the ratification in the form agreed to.

38. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret; and all treaties which may be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

39. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

40. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the secretary, the principal or the

100

43. When an amendment to the Constitution is under consideration of two-thirds of the members present and voting, it shall not be requisite to do any amendments, or extending the term of office, or short of the final question.

43. When an amendment to the Constitution is under consideration of two-thirds of the members present and voting, shall not be requisite to do any amendments, or extending the time for the consideration of the question, short of the final question.

tion for reconsideration shall be decided by a majority of votes.

45. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

46. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

47. The presiding officer of the Senate shall have the regulation of such parts of the Capitol and of its passages, as are or may be set apart for the use of the Senate and its officers.

48. The secretary of the Senate, the sergeant-at-arms, and doorkeeper, and the assistant doorkeeper, shall be chosen on the second Monday of the first session of the 21st Congress, and on the same day of the first session of every succeeding Congress.

49. After the journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial, or other paper, shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper, is presented.

FOR
CONDUCTING BUSINESS
IN THE
HOUSE OF REPRESENTATIVES OF
THE UNITED STATES.

TOUCHING THE DUTY OF THE CLERK

1. He shall take the chair every day at the hour to which the House has adjourned on the preceding day ; and he shall call the members to order ; and he shall certify the appearance of a quorum, shall call the roll of the members of the preceding day to be read.

2. He shall preserve order

3. He shall rise to put a question, but may sit it sitting.

4. Questions shall be distinctly put in this room, to wit; "As many as are of opinion that the question may be) say Aye;" and, after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall rise and state the decision to the House.

5. When any motion or proposition is made, the question, "Will the House now consider?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.

6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House. In which case they shall be ap-

than provided, and, in case a greater number of members than is required to compose or compose or committee shall have an equal number of members, the House shall proceed to a further ballot.

8. In all other cases of ballot the members, a majority of the votes given shall be necessary to an election: and where there shall not be such a majority on the first ballot shall be repeated until a majority is obtained.

9. In all cases of ballot by the yeas and nays the Speaker shall vote: in other cases he shall vote, unless the House be equally divided, unless his vote, if given to the minority, shall make the division equal; and in case of an equal division, the question shall be decided by the yeas and nays.

10. In all cases where other than a regular election of the House may be eligible to an officer of the House, there shall be no nomination.

(or Chairman of the Committee of the Whole House,) shall have power to order the same to be cleared.

13. No person, except members of the Senate, their Secretary, Heads of Departments, Treasurer, Comptroller, Register, Auditor, Postmaster General, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Commissioners of the Navy Board, Governor for the time being, of any State or Territory of the Union, who may attend at the Seat of the General Government during the session of Congress, and who may choose to avail himself of such privilege, such gentlemen as have been heads of Departments, or members of either branch of the Legislature, and, at the discretion of the Speaker, persons who belong to such Legislatures of foreign Governments as are in amity with the United States, shall be admitted within the Hall of the House of Representatives.

14. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

Originated in the House, a
next preceding session re
shall be resumed and acted
ner as if an adjournment h

ORDER OF BUSINESS

16. As soon as the
Speaker shall call for pet
bers of each State, and del
ritory, beginning with M
day, the whole of the S
shall not to be called, the
on the next day where h
day: Provided, That, afte
of the session, petitions
except on the first day o
House in each week.

17. The petitions havin
disposed of, reports, first

Territories shall have been called. And after one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the bills, messages, and communications on his table, and then proceed to call the orders of the day.

18. The business specified in the two preceding rules shall be done at no other part of the day, except by permission of the House.

LOCAL OR PRIVATE BUSINESS.

19. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

OF DECORUM AND DEBATE.

20. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

21. If any member, in speaking or otherwise,

cide on the case, but with
no appeal, the decision
submitted to. If the deci
member called to order, it
proceed; if otherwise, he
to proceed without leave
the case require it, he sh
sure of the House.

22. When two or more
rise at once, the Speaker
who is first to speak.

23. No member shall
to the same question,
House, nor more than one
choosing to speak shall ha

24. If a question pendi
ment of the House, and re
ing day, no member, wh
twice on the preceding da
again to speak without lea

25. Whilst the Speaker

in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

27. Upon a division and count of the House on any question, no member without the bar shall be counted.

28. Every member who shall be in the House when the question is put shall give his vote, unless the House for special reasons, shall excuse him.

29. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

30. Every motion shall be reduced to writing, if the Speaker or any member desire it.

31. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

32. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged: and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting

motion made, to refer any subject, committees shall be proposed, the order shall be taken in the following order :

The committee of the whole House ; the committee of the state of the Union ; the committee of the House ; a standing committee ; a select committee.

34. A motion to adjourn shall be in order : that, and the motion to lie on the table shall be decided without debate.

35. The previous question shall be in form : " Shall the main question be now put ? " It shall only be admitted when demanded by a majority of the members present ; and its adoption shall preclude all amendment and further debate of the main question.

36. On a previous question there shall be no debate.

37. When a question is postponed to a future day, the same shall not be acted upon during the session.

39. Motions and reports may be committed at the pleasure of the House.

40. No motion or proposition on a subject, different from that under consideration, shall be admitted under colour of amendment.

41. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day: and such motion shall take precedence of all other questions, except a motion to adjourn.

42. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

43. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

44. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

45. Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place: a brief statement of the contents thereof shall verbally

46. A proposition requiring the President of the United States to be furnished by the Executive Departments, General, or to print a document or other matter of the President to be the commencement of each session reports and documents referred to in it, shall lie over for consideration, unless otherwise by the unanimous consent of the House. All propositions shall be taken in the order they were introduced after reports are called for; and, when adopted, the same to be delivered.

47. Any fifteen members, if there be one) shall compel the attendance of absent members.

48. Upon calls of the

50. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend.

51. Upon the call of the House, the names of the members shall be called over by the clerk, and the absentees noted ; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

52. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees ; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

53. A sergeant-at-arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sitting ; to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.

54. The fees of the sergeant-at-arms shall be, for every arrest, the sum of two dollars ; for each day's custody and releasement, one dollar ;

sion, viz :

- A Committee of Elections,**
- A Committee of Ways and Means,**
- A Committee of claims,**
- A Committee of Commerce,**
- A Committee on the Public Land,**
- A Committee on the Post office**
Post Roads,
- A Committee for the District of**
Columbia,
- A Committee on the Judiciary**
- A Committee on Revolutionary**
- A Committee on Public Expenditures,**
- A Committee on Private Land Claims,**
- A Committee on Manufactures**
- A Committee on Agriculture,**
- A Committee on Indian Affairs,**
- A Committee on Military Affairs,**
- A Committee on Naval Affairs,**
- A Committee on Foreign Affairs,**
- A Committee on the Territories,**
- A Committee on Revolutionary**
Claims,
- A Committee on Invalid Pensions.**

of election, or other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the House.

57. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys; and to report whether the moneys have been disbursed conformably with such laws; and, also, to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments, and the accountability of their officers.

In preparing bills of appropriation for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and, where an appropriation bill shall be referred to them, for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty

to take into consideration petitions and matters or the demands on the United States, or shall or may be referred to them by report their opinion thereon propositions for relief if it seem expedient.

59. It shall be the duty of the Department of Commerce to take into consideration petitions and matters of commerce of the United States, or shall or may be referred to them by report, from time to time, the

60. It shall be the duty of the Department of the Public Lands to take into consideration such petitions and matters relating to the lands of the United States, or shall or may be referred to them by report,

and be referred to them by the House; and to report their opinion thereupon, together with such propositions relative thereto as to them shall seem expedient.

62. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions, matters, or things, touching the said District, as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.

63. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions, and matters or things, touching judicial proceedings, as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions relative thereto as to them shall seem expedient.

64. It shall be the duty of the Committee on Revolutionary Claims to take into consideration all such petitions and matters or things, touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

65. It shall be the duty of the Committee on Public Expenditures to examine into the state

sions and arrangements
add to the economy of
accountability of their

66. It shall be the d
Private Land Claims t
all claims to land w
them, or shall or may
report their opinion t
such propositions for
shall seem expedient.

67. It shall be the d
Military Affairs to tal
subjects relating to th
and public defence, w
them by the House, an
thereupon; and, also, to
such measures as may
and accountability in

68. It shall be the d
Naval Affairs to take in
town which concern d

Foreign Affairs to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall be referred to them by the House, and to report their opinion on the same.

70. It shall be the duty of the Committee on the Territories to examine into their legislative, civil and criminal proceedings, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

71. It shall be the duty of the Committee on Revolutionary Pensions to take into consideration all such matters respecting pensions for services in the revolutionary war, other than Invalid Pensions, as shall be referred to them by the House.

72. It shall be the duty of the Committee on Invalid Pensions, to take into consideration all such matters respecting Invalid Pensions, as shall be referred to them by the House.

73. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions, and matters or things, relating to Roads and Canals, and the improvement of the navigations of Rivers, as shall be presented, or may come in question, and be referred to them by the House, and to report thereupon, together with such propositions relative thereto, as to them shall seem expedient.

74. It shall be the duty of the Committee of Revisal and Unfinished Business to examine

as were then depending

75. It shall be the duty of the Committee on Accounts to superintend the disbursements of the contingent expenses of the Representatives, and to examine the accounts which may be presented to them; and also, to audit the accounts of the Representatives for their travel to and from the Capitol, and their attendance in the Senate Chamber.

76. Six additional Senators shall be appointed at the commencement of each Congress, who shall hold office until the first session of the next Congress.

1. A committee on so much of the accounts and expenditures of the Department of State as may be referred to them.
2. A committee on so much of the accounts and expenditures of the Department of the Treasury as may be referred to them.
3. A committee on so much of the accounts and expenditures of the Department of War as may be referred to them.

77. It shall be the duty of the said Committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

Whether the expenditures of the respective Departments are justified by law :

Whether the claims, from time to time, satisfied and discharged by the respective Departments, are supported by sufficient vouchers, establishing their justness both as to their character and amount :

Whether such claims have been discharged out of funds appropriated therefor ; and whether all moneys have been disbursed in conformity with appropriation laws : and

Whether any, and what, provisions are necessary to be adopted, to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their character, or extravagant in their amount.

And it shall be, moreover, the duty of the said Committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several Departments, without detriment to the public service ; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others ; and to report, from time to time, such provisions and arrangements as may be necessary to add to the econo-

House shall have .
otherwise.

79. No committee
of the House, without

80. The clerk of the
for the true and faithful
of his office, to the best
abilities, and shall be
office until another be appointed

81. It shall be the duty
and cause to be printed
member, at the commencement
of Congress, a list of the
duty of any officer or
Government to make to Congress
act or resolution, and place
Laws and Journal in which
ed ; and placing under
the list of reports required
and the time when the

82. It shall be the duty
of the

are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-Arms, and Doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

85. The Sergeant-at-arms and the Doorkeeper shall be sworn to keep the secrets of the House.

86. All questions relating to the priority of business to be acted on shall be decided without debate.

OF BILLS.

87. Every bill shall be introduced by motion for leave, or by an order of the House, on the report of the committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature one day's notice at least shall be given of the motion to bring in a bill; and every such motion may be committed.

88. Every bill shall receive three several

on the same day, witho
House.

89. The first reading
formation; and, if opposi
question shall be, "Shall
If no opposition be made,
reject be negatived, the bil
reading without a question

90. Upon the second re
Speaker shall state it as rea
or engrossment; and, if con
tion shall be, whether to a
committee, or to a commi
House: if to a committee of
the House shall determine on
if the bill be ordered to be eng
shall appoint the day when it
third time.

91. Not more than three bil
the House, shall be commi
mittee of the

94. No amendment by way of *rider*, shall be received to any bill on its third reading.

95. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

96. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a committee of the whole House on the State of the Union.

97. In forming a committee of the whole House, the Speaker shall leave his chair, and a Chairman to preside in committee, shall be appointed by the Speaker.

98. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered ; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

99. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

100. All amendments made to a report com-

in which they were moved, except up blanks, the largest sum and to be first put.

102. No motion or proposition charge upon the people shall be made on the day in which it is made or offered. Any such proposition shall receive its first consideration in a committee of the whole House.

103. No sum or quantum of tax shall be increased by a committee of the whole House until the proposition for such increase shall be reported and voted in a committee of the whole House, and so in respect to the time of consideration.

104. All proceedings, touching the expenditure of money, shall be first discussed in a committee of the whole House.

105. The rules of proceedings shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of consideration.

at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

107. It shall be in order for the Committee on Enrolled Bills to report at any time.

108. No person shall be permitted to perform divince service in the chamber occupied by the House of Representatives, unless with the consent of the Speaker.

109. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: for each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to, or going from, the place of examination, the sum of ten cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.

110. The clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution to members and delegates, of the journal of the House, together with an accurate index to the same.

OF THE TWO

1. In every case of an amendment agreed to in one House, and in the other, if either House shall so resolve, and appoint a committee for the purpose, the other House shall also so resolve, and to confer, such committee shall meet at such hour, to be agreed on by the two Houses, in the conference chamber, or in any other place, other, verbally, or in writing, as they may choose, the reasons of their action, for and against the amendment, shall be stated thereon.

2. When a message shall be received from the Senate to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be read by the Speaker.

5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the secretary or clerk of each House, respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled on parchment, by the clerk of the House of Representatives, or the secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

8. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

9. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the President of the United States for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the secretary or clerk (as the case may be) of the House in which the same did

... also be
nal of each House

10. All orders,
are to be presented
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the same manner,
amined, and signed
the same manner,
as provided in cases

11. When the Se
sentatives shall judge
address to the Presic
him in his audience
of the Senate, in the
and both Houses.

12. When a bill c
have passed in one
other, notice thereof sh
in which the same may

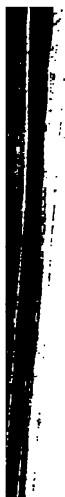
13. When a bill or r
passed in one House.
other it is

their disagreement, a bill or resolution shall be lost.

16. No bill that shall have passed one House, shall be sent for concurrence to the other, on either of the three last days of the session.


17. No bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States, for his approbation, on the last day of the session.

18. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.









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